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Atlanta boasts it's too busy to hate, but does the Olympic City live up to the hype?

by MATTHEW COOPER

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A Weekly Journal of Opinion

JULY 15 & 22, 1996

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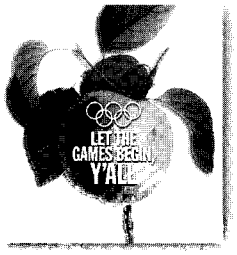

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CORRESPONDENCE

Rumble in the Bronx

To the editors:

In Sara Mosle's "What We Talk About When We Talk About Education" (June 17), she says that my book *Savage Inequalities* "is based on newspaper clippings" and that I did little on-site reportage.

Savage Inequalities is based on visits I made to more than thirty schools and neighborhoods in several sections of the nation. My presence in the classrooms I have visited is generally unmistakable because I make my presence obvious in the narrations. This is easily apparent in descriptions of Bethune Elementary School and Du Sable High School in Chicago, both of which I visited, as I also visited the two schools and the housing project and the Catholic community center I describe in East St. Louis, the four schools I describe at length in New York City, the high school I describe in Rye, New York, the three schools where I talked with kids in Camden, the high school I describe in Paterson, the elementary school and housing project where I talk with kids in Washington, D.C., the streets and the neighborhoods described in San Antonio, and the elementary school that I describe in Cincinnati. Mosle's charge that *Savage Inequalities* is "based on newspaper clippings" is inaccurate and irresponsible.

In order to substantiate her charge, Mosle points to a description of a grade school that is based on a well-known, highly celebrated *Chicago Tribune* series published two years prior to my visit: a page-and-a-half section which I attribute to the *Tribune* and in which, of course, I am not present and do not pretend to be. The *Tribune* or its writer, Bonita Brodt, are credited five times: twice in the introduction to this passage, twice in page-correlated endnotes and once in the book's acknowledgments.

But Mosle's truly dangerous and reckless charge is that I spent "little time" in the South Bronx and am "not particularly involved" in the lives of people in this book. I am not going to devalue my relationships with Alice Washington and other people of importance to me in *Amazing Grace* by putting our friendships, the complexity and the duration of those friendships, or their depth and meaning to me, on display here to convince Mosle she is wrong. What she has said is not the truth. Leave it at that.

JONATHAN KOZOL
Byfield, Massachusetts

To the editors:

Sara Mosle did quite a hatchet job on Jonathan Kozol. Unfortunately, she contradicts 100 percent the experience that I had with Kozol in March of 1990. At that time, while researching *Savage Inequalities*, he spent two days at East St. Louis High School intensively interviewing me and my students, observing classes and interviewing my colleagues. He then spent several more days in East St. Louis, visiting a junior high school and a public housing project. The week he spent absorbing the tragic consequences of the problems our students face was no "parachute job," to quote Mosle. He used no "newspaper clippings," nor did he "contribute to the sense of despair." In the past five years I have received hundreds of books for my students, several thousand dollars in contributions, and literally dozens of requests from students of education from all over the U.S. to share my experiences with them.

His book has inspired many new approaches to the problems of urban education: my own school district is now under State Oversight, and a constitu-

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tional amendment to establish fairness in school funding narrowly lost in Illinois last year. I wish Kozol would "parachute in" again soon; we miss his prophetic voice in the classroom.

IRL S. SOLOMON
St. Louis, Missouri

To the editors:

Sara Mosle's attack on *Amazing Grace* is unfounded. Far from being a journalist who parachuted into our community for minimal time, Jonathan Kozol became a fixture in the South Bronx. He visited the children at our church so often that they thought that he lived in the neighborhood. We shared our thoughts and experiences with Kozol because he consistently demonstrated himself to be trustworthy and truly compassionate.

Far from limiting himself to the superficial involvement Mosle depicts with regard to Alice Washington, the "young" woman dying of AIDS, Kozol is so close to her that she considers him to be a member of her family. He has been involved in the upbringing of her children and her grandchildren. In fact, there are many people in our parish who consider Kozol to be like family.

To say that Jonathan Kozol never spends enough time with us to see us as anything but "the poor" is simply not true. He has made considerable personal sacrifices to share our individual burdens, to listen to our problems and those of our children, and to help find solutions.

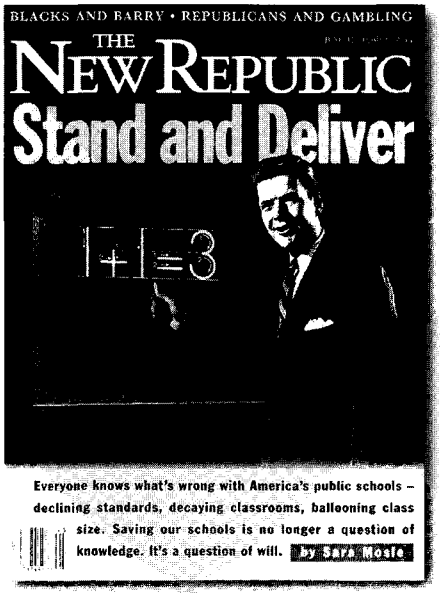
BERNICE KING, LILLIAN WATSON,
DALE PRENTICE,
(THE REV'D) MARTHA OVERALL
St. Ann's Church of Morrisania
Bronx, New York

To the editors:

In her review of my book *Dumbing Down Our Kids*, Sara Mosle writes that I discount most parents' favorable opinion of their own child's school by "essentially arguing that they are too stupid to notice how dumb their children have become." Wrong. I devote an entire chapter to the "American Way of Denial," which examines the gap between parental complacency and the actual levels of achievement of their children. Far from arguing that parents are too dumb, I argue that they have been misled by inflated grades, the lack of honest feedback, misused test scores and the educational establishment's culture of "see no evil, hear no evil."

Mosle says that I am "contemptuous of teachers," and that I view them "as part of the problem, not as part of the solution." This is the opposite of the truth. On page 290, I explicitly write that "there is a central role to be played by teachers in the reform of American education." Far from being contemptuous of teachers on the front lines, I devote several chapters to teachers-as-heroes, including the story of Adele Jones, a teacher who was fired for insisting on high standards in her algebra classes. Mosle writes that I hold up "private schools as the very model of success." Understandably she does not mention that the one school to which I devote an entire chapter is a public school—Barclay, a successful inner-city school in Baltimore.

She speculates that the "subtext" of my book is my objection to the clout of the National Education Association. While it is true that the NEA remains the home office and chief protector of educational mediocrity, Mosle again misses the mark. My real complaint is the watered-down content, lowered expecta-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Stand and Deliver
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Everyone knows what's wrong with America's public schools – declining standards, decaying classrooms, ballooning class size. Saving our schools is no longer a question of knowledge. It's a question of will.
By Sara Mosle

tions, lowered standards and resistance to genuine reform in American schools.

CHARLES J. SYKES
Milwaukee, Wisconsin

Sara Mosle replies:

In my piece, I do not claim that Jonathan Kozol has never visited East St. Louis or Chicago or New York or any other of the cities he writes about in *Savage Inequalities*. Rather, I maintain that he did not spend enough time in these communities to understand the complexity of the problems in these school districts, and that he consequently distorts the problems in poorer, urban schools by making them seem simpler and starker than they really are. Solomon's letter only supports my argument: he reveals that Kozol spent only a few days in East St. Louis to research a chapter that comprises a sixth of his book. And contrary to Solomon's claims that Kozol used "no newspaper clippings," Kozol cites the city's local papers—*The St. Louis Dispatch* and *St. Louis Sun*—some forty times in the notes for the chapter's thirty-two pages.

In his section on Chicago, Kozol insists that he adequately attributes the descriptions of Goudy elementary school to Bonita Brodt of *The Chicago Tribune* and that he never pretends to have visited the school. But Kozol doesn't introduce Brodt twice, as he claims, at the beginning of the passage. Rather, he introduces the school first by describing the playground and the building, in the present tense and out of quotes, as if he were the one who was there. Only then does he cite Brodt's earlier series—in quotes—to back up what appears to be Kozol's own observations. Then Kozol returns, out of quotes, to describe a scene at the school that the reader can only assume that Kozol has witnessed. Nowhere, either in the book's notes or acknowledgments, does Kozol indicate that his indebtedness to Brodt extends beyond this reference to her work in quotes. He uses her descriptions of the school almost verbatim; why didn't he simply continue to put them in quotes? The omission is not an isolated incident, but is indicative of Kozol's reliance on others' work throughout.

I have no doubt that St. Ann's, the school that Kozol describes in the South Bronx, has benefited from its association with him. But the reader can only go by what Kozol has written, and by his own account, he visits the South Bronx only a handful of times over the course of a single year, each trip lasting no more than a few days. He admits to falling "out of touch" with Alice Washington for several months in the fall, and from January through March again goes three months without visiting the neighborhood. It's not hard by carefully reading the book to determine the number of days Kozol actually spent in the South Bronx: by my account, it's less than two weeks total.

Charles Sykes splits hairs when he says parents aren't dumb but simply misled by the evil educational establishment; if they're so easily misled, how will they ever distinguish between good and bad schools once they're given vouchers, as Sykes claims they should be? He writes that "there's a central role for teachers and principals" in reform efforts, but in the very next sentence he adds, "If teachers want to win back public confidence, they have to be more than the organized special interest group that opposes every reform and always pushes for more money and less accountability." That sounds pretty contemptuous to me. In his final chapter, he says the best way to reform public education is to abolish it, and to erect in its place "a diverse mix" of "private, parochial and even home schools."

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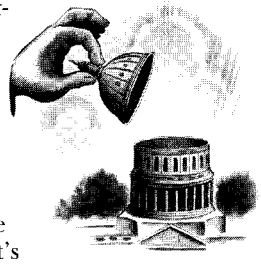
FROM WASHINGTON

The end of obscenity

On June 11, three judges in Philadelphia struck down parts of the Communications Decency Act. The decision, *ACLU* v. *Reno*, is being justly celebrated as the *New York Times* v. *Sullivan* of cyberspace, an occasion for dancing in the chat rooms. The three judges understood how the old First Amendment battles are being overtaken by new technologies; and in an endearingly self-dramatizing touch, they had their separate opinions distributed on floppy disks. But for all their sophistication about the technical difficulties of regulating free speech in cyberspace, the judges were forced by the Supreme Court's archaic obscenity doctrine to rely on an implausible premise: that it's possible to distinguish obscenity (which can be banned) from indecency (which must be protected) in an age when cyberspace has made the notion of local community standards increasingly untenable.



The best of the three *Reno* opinions was written by federal district judge Stewart Dalzell, who concluded that the Internet, like the printing press, should be entitled to the highest level of First Amendment protection. This represents a welcome break with the American judicial tradition of underestimating the social significance of new media. When the telegraph and telephone emerged in the nineteenth century, they were viewed as vehicles of transportation, like the railroads, rather than vehicles of expression, and were regulated without concern for the First Amendment. When radio and television began to flourish, judges allowed Congress to regulate them as public utilities, because of the limited spectrum of available channels. Judge Dalzell concluded that the Internet is entitled to at least as much protection as traditional print media, *if not more*, because it realizes the goals of the First Amendment even more completely. The new cyberspace technologies are reducing the costs of entry for both speakers and listeners and creating relative equality among them. As a result, Dazell noted, in cyberspace, even more than in newspapers and magazines, "astoundingly diverse content is available," fulfilling Justice Holmes's romantic metaphor of a perfectly deregulated marketplace of ideas.

Dalzell's greatest contribution was to recognize the decentralized chaos of the Internet as a central First Amendment value. Since the 1920s, leading free speech theorists, from Walter Lippmann to Robert Bork, have emphasized the communal value of civic debate about "matters of public importance" and have downplayed the competing libertarian value of individual self-expression. This communitarian tradition has been invoked to justify all sorts of censorship of purportedly "worthless" speech, from anarchist polemics during World War I to racial epithets today. Dalzell, by contrast, celebrated the fact that, in cyberspace, the lack of a centralized censoring authority means that decisions about what speech is valuable and what is worthless are left in the hands of individual speakers and listeners.

By purporting to regulate "indecent" speech, as measured by "contemporary community standards," Dalzell concluded, the Communications Decency Act threatens the very chaos that represents the Internet's greatest strength. Because there's no technologically feasible way to limit the geographic scope of every Internet "speaker," and no economically feasible way to screen the location and age of each potential "listener," everyone runs the risk that his speech will be found "indecent" or "patently offensive" in some community he had no intention of entering. Graphic language "routinely acceptable" in New York City, such as Tony Kushner's *Angels in America*, might be actionable if downloaded in Tennessee. All three judges concluded, therefore, that the "indecency" standard was too subjective to give citizens fair notice of what speech might be illegal.

But isn't the federal obscenity standard vulnerable to precisely the same objections? "The Government can continue to protect children from pornography on the Internet through vigorous enforcement of existing laws criminalizing obscenity and child pornography," Dalzell declared. But Dalzell's own reasoning calls the distinction between indecency and obscenity into question. If indecency can't be coherently defined, because of the elasticity of "community standards," defining obscenity is even

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THE NEW REPUBLIC

JULY 15 & 22, 1996

BEFORE THEY BECOME EXTINCT

On the eve of last week's Arab summit in Cairo, the Syrian-born poet Nizar Qabbani published a poem in the Arabic daily *Al-Hayat*:

> I am delighted that you have announced your marriage which has been delayed for centuries,
> Even though you have only agreed to marry after reaching the age of despair,
> And after your bones have wearied and your powers have waned.
> We are delighted if you can live under the same roof even for three days.
> If Benjamin Netanyahu has been able to raise your blood pressure, to light the fire in your nervous system, to change your blood type, a thousand thanks to him.
> If Benjamin Netanyahu has been able to persuade you of the virtues of marriage, to gather your heads on one pillow, to convince you to sit at one table, to eat from one plate, to drink from one glass, how beautiful it is what he has done.
> If this man has been able to remind you of your identity, of the place and date of your birth, to restore to you your Arab nationality, how beautiful it is what he has done.
> If this man has been able to restore the Arabs to their Arabism, and the children of the stones to their childhood,
> If he has been able to remind us of our names, and the names of our fathers, and the names of our children,
> A thousand welcomes to his arrival.
> Gentlemen, this is the last occasion of love open to you before you become extinct.

Powerful stuff. Qabbani's is the poetry of one who reviles what he has called the "groveling peace" with Israel, of one who yearns for lost glory. His is a popular voice uttering popular words. But the fierceness of the sentiments does not mask their pathos. The Arab world is a shambles. The enormous wealth transferred to it during the long oil crisis did little to address the region's myriad social ills (overpopulation, urbanization, status of women) and yielded no political transformation. No leader who traveled to Cairo—and not Hosni Mubarak himself—leads a democratic polity.

"Of the ten countries which lead the world in arms purchases," wrote Edward Said, also in *Al-Hayat*, "seven are Arab. Every Arab citizen has seen the armies and the police forces—Arafat has no fewer than 13 of his own—everywhere on streets and street corners." To Said, however, what makes such thuggish militarism "border on the comic" is not the suffering it inflicts on Arab populations but that "none of [this] ... is used to deter Israel." But this is a question of ability rather than will. While they can still terrorize individual Israelis, the Arab countries are simply no longer capable of deterring Israel. No amount of foreign-bought weaponry can substitute for their technological backwardness. As Ethan Broner points out in *The Boston Globe*, "Israel, with 5.5 million people, exports industrial goods worth more than the total of all Arab nations, with 200 million people." Which is to say that, with its scientifically literate population and its economy based on high- and bio-technologies, Israel is already deep into the twenty-first century while its neighbors have not yet experienced the industrial revolution of the nineteenth.

The reflexive response of the Arab countries to the election of Benjamin Netanyahu was to revert to the forms and vernacular of pan-Arabism. But the exhortations to unity cannot disguise the fact that the Arab countries are more divided than ever, and that a few of their rulers have in their heads, if not always in their hearts, already opted out of the long-running war against the Jews.

Egypt, nostalgic for the days when Gamal Abdel Nasser mesmerized the region with delusional visions of conquest and grandeur, used the summit to anoint itself head of the imaginary Arab nation. But there are limits to how far it will go in this direction, limits set in part by the U.S., which provides Egypt with $2.1 billion annually. Syria (with docile Lebanon in tow) came to rally the hard-liners for its no-concessions definition of peace with Israel, a strategy without a future, but with supporters such as Warren Christopher and his subaltern Dennis Ross (see "The Arabist," by Jacob Heilbrunn, July 8). King Hussein, once again a U.S. ally, came to mend fences with others he had dismayed with his kingdom's pro-Iraq rhetoric during the Gulf

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war. But he also arrived with the confidence that a Likud government in Jerusalem will prove even more solicitous toward him than was Labor, and also more solicitous of Jordan than of the PLO. And Jordan brought to the meeting its grievance against Syrian-sponsored terrorism, a reminder of Hafez al-Assad's multiple quarrels. Turkey, not present at the conference, was a ghost at its sessions. With territorial ambitions northward, Syria has been dispatching Kurdish terrorists into Turkey and has, in recent weeks, moved 40,000 troops to the border. Does Assad want to provoke a war? everyone was asking. The attendees understand that Turkey, being a member of NATO, has a call on Western defense. Moreover, it now has a defense arrangement with Israel, as well. An Israeli-Turkish axis might one day serve as the basis for a "new Middle East"—albeit not the one bandied about in the State Department.

Then there was Colonel Qaddafi, who arrived if for no other reason than to show that he could. He arrived by air, demonstrating that the U.N.'s sanctions against Libyan flights don't faze him at all. The emir of Bahrain came to receive warrant for his struggle against Shi'a extremists, and the president of Algeria came for blessings on his country's war against Sunni extremists. Saudi Arabia, too shrewd to rev up the anti-Israel engine, but too timid to say "enough," came as well. It also joined the chorus protesting that Bibi's election poses a grave threat to regional stability, a sentiment undermined by this week's tragic evidence of the real danger to Saudi security posed by terrorists.

As with many Arab spectacles, the proximate cause for this one was the plight of the Palestinians. Netanyahu has given notice that he will not be as lax as Shimon Peres had been. This provided the pretext for the extravaganza on the Nile: Israel was reneging on its commitments. A united Arab world would support its Palestinian brothers. Yet Yasir Arafat wandered the halls as mendicant not hero, seeking cash but barely getting audiences with those who still have it. To be sure, the Cairo communiqué repeated the Palestinian mantras: full sovereignty, Israeli withdrawal to the 1967 boundaries and Arab dominion over East Jerusalem. But these are terms to which Israel, even under Peres's government, had never agreed. Moreover, the warning to Israel to continue the peace process came most loudly from states who have not even joined it themselves.

Democracy bewilders the rulers of the Arab world. Even the youngest of them, Muammar Qaddafi, has been in power for twenty-seven years. They were bewildered when their friend George Bush, the victor in the Gulf war, was defeated in 1992, and with him their greater friend James Baker. When Peres lost, they were also shaken. But Peres's pliancy misled them into thinking that the Israeli electorate was pliant, too. It is not. This is why Netanyahu won. Tough and unrealistic talk will not soften Bibi or the people who elected him, and certainly not tough talk from men whose bones have wearied and whose powers have waned. •

NOTEBOOK

YELLING FIRE: The reactions to the wave of Southern church burnings have followed a familiar pattern: first the speaker calmly denies there's any evidence of a conspiracy, then feverishly paints an image of conspiracy. Take Congressman John Conyers, who began a May 21 hearing on the subject tentatively: "It's also unclear how many were racially motivated." By the end, the word "fire" had mutated into "firebombed," the uncertain conclusions had turned into the "worst form of domestic terrorism." Two weeks later, a Conyers press release invoked the KKK, cross burnings and lynchings. We're repelled, too, by the torching of churches, whether they're part of a concerted plan, a series of copycat crimes, or totally unrelated episodes. But we're also disturbed by rampant political posturing in the absence of reliable numbers about the how many churches have burned and why. The ATF and FBI have become so skittish about the shifty state of numbers and causes that they've stopped giving out any information. Deval Patrick, head of the Justice Department's Civil Rights division, is using the latest unreliable list: of 216 arsons since May 1990 (of churches, synagogues and mosques), half occurred, he says, in the last eighteen months. Seventy percent of those were of black churches in the Southeast. But this spike may be skewed, since it was eighteen months ago that the department first began combing the country for burnings. Meanwhile, the National Fire Protection Association claims church arsons plummeted from 1,420 in 1980 to 520 in 1994. Who's doing the burning is also unclear. Since 1990, federal and state authorities have prosecuted alleged arsonists in thirteen cases and arrested suspects in nine others. The arsonists range from bright-line racists to blacks, with lots of drunk and crazed teenagers in between. On one end is Timothy Adron Welsh, who burned two South Carolina churches, stabbed an elderly black man and carried a KKK card. On the other end, two black contractors who burned a 123-year-old North Carolina Sunday school at a black church can't really be pegged as racists. Most of the others have been bored teenagers. Yet the NAACP refuses to believe federal investigators who announced that six of the fires weren't racially motivated. "We are going to demand a more detailed explanation," said Wade Henderson of the Baltimore chapter. Details, it seems, are not really what they're after.

GURUGATE: OK, it was not a seance and Eleanor Roosevelt was not raised from the dead. Hillary Rodham Clinton's many hours with Jean Houston were only a "brainstorming session for my book," she insists. It was "not a spiritual event." Mrs. Clinton seems to think that such an explanation makes things better, but it makes them worse. Now we know why the acknowledgments were omitted from *It Takes a Village*: they might have

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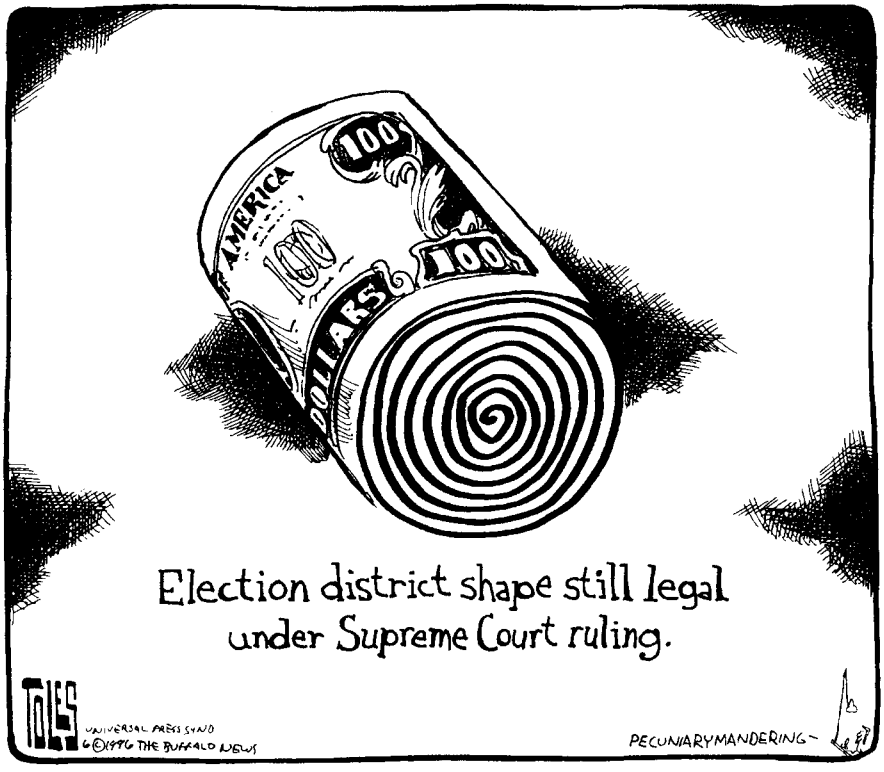
revealed the extent to which our brainy First Lady is intellectually unmoored. The comedy appears to have begun, according to Bob Woodward's delicious account in his new book, *The Choice*, on December 30, 1994. The Clintons were in the slough of despond. Bad things were happening to good people (to wit, them). The November elections had loosed "the Gingrich revolution" on the land. The poll numbers were in the basement. They were sorely in need of enlightenment. And so they summoned enlighteners to Camp David: Anthony Robbins, Marianne Williamson, Stephen R. Covey and Jean Houston, among others. Oh, for the days when a malaise-stricken president brought the likes of Daniel Bell and Christopher Lasch to the Catoctin Mountains, as Jimmy Carter did in 1979. These days, the occupants of the White House, the ones with all the best degrees from all the best schools, defer to the authority of an inspirational infomercialist, a Hollywood theologian of easy love, a management-consultant-turned-metaphysician, and a "sacred psychologist." Sacred psychology! The term is a perfect epitome of the slackening of contemporary American life, and it is the coinage of Jean Houston, who followed up her exciting visit to Camp David and swiftly won the admiration of the First Lady. She seems to have endeared herself to Mrs. Clinton (this is the most revealing and the least attractive passage in Woodward's account of this episode) with a series of historical analogies. Dr. Houston told Mrs. Clinton that she, Mrs. Clinton, was single-handedly "reversing thousands of years of [misogynistic] expectation, and was there up front, probably more than virtually any woman in human history—apart from Joan of Arc." And having compared Mrs. Clinton to Joan of Arc, she next compared her to Mozart. Mrs. Clinton was relieved to find herself so well understood. When Dr. Houston proposed an imagined conversation with Mrs. Roosevelt, to whom Mrs. Clinton had long compared herself, she met with no resistance; and she met with no resistance, either, when she proposed a similar chat with Gandhi. Woodward: "Hillary expressed reverence and respect for Gandhi's life and works, almost drawing his and her own life together with her words.... She said he too was profoundly misunderstood, when all he wanted to do was help others and make peace." Never mind that Gandhi was one of the least misunderstood people who ever lived. He *too*? Mrs. Clinton is making a new career as a victim. And she has found a fiendishly appropriate teacher. In her book, *The Search for the Beloved: Journeys in Mythology and Sacred Psychology*, Dr. Houston writes: "Critical to sacred psychology is the ability to incarnate or incorporate a variety of identities and personalities. This may allow you access to the knowledge and experience of different life forms, as well as gain the compassion and understanding that comes from getting inside another person's reality." Remind you of anybody? This is the sacred psychology of our first couple: she of a thousand hairstyles, who once preferred social engineering to baking cookies and now prefers baking cookies to social engineering; and he of the left and the right and center, the triangulated monster of empathy. At least Mrs. Reagan settled for astrology.



THINKING BIG: This week THE NEW REPUBLIC inaugurates a weekly column called "The Hard Questions," which will be written by four of America's most distinguished political thinkers. Two, we're proud to say, are already contributing editors to TNR: Ronald Steel, professor of international politics at the University of Southern California, and Michael Walzer, professor of social sciences at the Institute for Advanced Studies at Princeton. The two other columnists, too, are well-known to TNR readers: Jean Bethke Elshtain, professor of philosophy at the University of Chicago, and Michael J. Sandel, professor of government at Harvard, both of whom now also join the masthead. In the column, our resident thinkers will try to shed light on the thorny places where abstract political theory meets the realities of public policy. This week Sandel, author recently of *Democracy's Discontent: America in Search of a Public Philosophy*, kicks off with a column about whether Bob Dole's opposition to abortion can be squared with his professed toleration for the pro-choice position. It can be found on page 25. •

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THE NEW BOSS

By Michael Crowley

Your presidential campaign has a dead battery. Your stump speeches don't energize crowds or move the polls. Voters see you as an inside player, a legislative sausage-maker without a compelling rationale for your candidacy or a coherent vision for your presidency. What to do?

If you're Bob Dole, you turn to a 1970s-era bureaucratic operator who's also spent years in Washington in service of no particular ideology. That man is Donald Rumsfeld, who has held four Cabinet posts and who has just become policy coordinator for the Dole campaign. His job will be to choose and oversee teams of policy brainstormers. According to Bob Woodward's new book, *The Choice*, Rumsfeld's also near the top of Dole's running-mate wish-list.

Why is Dole so enamored of him? The connection is personal. The two served in Congress together and have been close ever since. When Rumsfeld aborted his 1988 run for the presidency, he quickly backed Dole instead of the favorite, George Bush. It's easy to see why the two get along. Both are establishment, process Republicans. Dole is well-known to be happiest when surrounded by familiar faces from his generation. It's also true that the famously undisciplined Dole, who at times in past weeks has seemed to be running as much against his staff as against Bill Clinton, could benefit from Rumsfeld's managerial discipline. But the Dole campaign is bereft of ideas, and on that score its new policy coordinator seems likely only to make matters worse.

For when it comes to vision, Rumsfeld ("Rummy" to friends) is a little like George Bush without the thank-you notes. He's a consummate insider, an Ivy League WASP with a double-barreled Beltway résumé but not much ideological firmness. Like Bush, the 64-year-old Rumsfeld was first a fighter pilot, then a congressman. He represented an Illinois district in the House in the 1960s, and he and Dole worked next door to each other in the Cannon office building. After turning down Nixon's offer of the GOP chairmanship (Dole wandered into that bear-trap instead), Rumsfeld accepted the NATO ambassadorship in 1970. Then Gerald Ford, another sometime congressional ally, picked Rummy as his chief of staff, and he later served as Secretary of Defense.

It's telling that Rumsfeld's most notable political legacy is probably "Rumsfeld's Rules," a blend of political aphorisms and do's and don'ts of running the White House collected from his days under Ford. Together the snippets form a short manual that preaches corporate-like management structure and efficient use of subordinates. "The President's key assets are his words and time," reads a typical entry. "Help him allocate each with care." It sounds banal, but a few recent administrations could have benefited from such banality.

The managerial skills touted in his "Rules" served Rumsfeld well during a long private-sector hiatus. During the late '70s and '80s, he oversaw profitable downsizing-propelled turnarounds at two major corporations: the pharmaceutical company G.D. Searle, whose stock soared more than 500 percent under his reign, and the technology giant General Instrument Corporation. Rumsfeld earned himself several million along the way, and a place among *Fortune*'s "10 toughest bosses in America."

While Rumsfeld's style may have translated into profits in the corporate world, in Washington it sometimes burned bridges. His tactics left him many enemies in the House. "Typical Rumsfeld," noted Bob Haldeman in his diary after Rummy faked out Nixon's staff in pursuit of an administration job in 1972. "Rather slimy maneuver," Haldeman called it, which is quite a comment considering the source. But few found much ideological passion behind Rumsfeld's climb. Pat Buchanan called him a "party pragmatist of vast ambition and no settled political philosophy."

In 1988, Rumsfeld flirted with his own presidential run. Columnist George Will even drooled over the "hardness in his gaze and temperament," and pitched him as a potential "Republican heartthrob" to succeed Ronald Reagan. But, a little like Dole today, Rumsfeld found that the qualities that served him well inside official Washington—his pragmatism and ability to get things done—did not serve him well on the big stage, where voters demanded a vision. His exit announcement reflected the lack of flair that had so quickly sunk his presidential bid: "For a dark horse, the probable imbalance of revenues and expenses early in the campaign raises the specter of a deficit of several millions of dollars," he droned. "... I am unwilling to proceed on a deficit basis."

There is, however, one important exception to Rumsfeld's blurry political philosophy, and it could have important implications as he helps shape Dole's platform. Rumsfeld approaches hawk purity and is likely to encourage the Dole campaign's growing focus on defense. Under Nixon, Rumsfeld was suspicious of détente with Russia, opposed the SALT II treaty and won bigger Pentagon budgets. Today, he champions the proposed missile defense system that Dole is touting to help win defense-industry-rich California.

Yet this will probably prove small change given Dole's general lack of focus. The rap against Dole is that he doesn't know why he wants to be president. How is Rumsfeld, a man who didn't even know why *he* wanted to be president, supposed to find the answer? •

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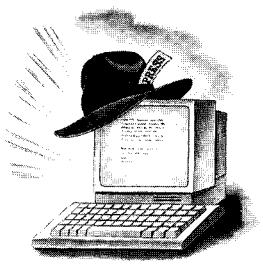
THE PRESS

AIRBALL

By Scott L. Malcomson

"Four thousand years ago," the rabbi said, "there was an Abraham. This Abraham set out to change the world. He was not popular." Yet Abraham created "the bedrock of civilization," the rabbi said. "We have here today another Abraham. Abraham Hirschfeld." The man of whom the rabbi spoke did not blush at the comparison. For Abe Hirschfeld fancies himself a patriarch, too: of lite, upbeat news, the odd bit of puffery for political friends, wire copy, multi-culti good feelings and unedited (or so he promises) reporting. In other words, all the most baleful journalistic trends in one small daily afternoon paper. Hirschfeld plans to fund it with paid-for obituaries. How strangely appropriate.



Atop the New York hotel he owns, the Pennsylvania, in a rarely used ballroom where Tommy Dorsey once reigned, Abe Hirschfeld was announcing on one Monday in early June the new project, to be called *Open Air PM*, which was to begin publication ten days later. (It did.) And so gathered the rabbi, a roomful of cronies and the actress Sylvia Miles, who graciously said a few words to cover the absence of Lieutenant Governor Betsy McCaughey Ross, a last-minute no-show. Three years ago, Hirschfeld, a real estate magnate and sometime political panjandrum, briefly owned the newspaper founded by Alexander Hamilton, the *New York Post*. Its first issue with Hirschfeld at the helm was, he boasted, "the only edition in the history of the press to become a collector's item." He didn't mention that it became a collector's item because it viciously attacked its new owner. The cover illustration showed a weeping Alexander Hamilton. For a time, the *Post* editorial staff wouldn't allow Hirschfeld into the newsroom. The exuberant owner famously kissed a pained Pete Hamill, then the *Post*'s editor, who was revered by all of hackdom as a Yeltsin-on-the-tank figure trying to save the hapless tabloid.

Hirschfeld has a *New Yorker* cartoon of the kiss framed on the wall behind his desk. The couple of weeks that he ran the *Post* have burned in his memory, and he spent the next three years, he says, dreaming of having a paper again. Hirschfeld, who emigrated to New York from Israel in 1950, made his fortune by building multistory garages without walls—"open-air" garages; now he has decided to start a newspaper named after his revolutionary parking concept.

These days all hackdom seems to be partaking in an understandable conspiracy to ignore Hirschfeld. His new venture has elicited squibs here and there but not the sort of coverage you would expect when a new daily starts up in Manhattan. This is probably because Hirschfeld, like *USA Today*'s Al Neuharth of a decade ago, is a professional nightmare: he has loads of cash and believes that journalism is an essentially trivial occupation. That New York's dailies and weeklies have, on the whole, been making themselves increasingly trivial over the past few years does not make Hirschfeld any more appetizing a vision. (Who would ever have guessed that society columns would make a comeback?) If successful, he could make *The New York Observer* look like *Le Monde Diplomatique*.

A few weeks before the *Open Air PM* launch, he seems a man filled with purpose. On a Monday morning in his Hotel Pennsylvania offices, he is wrapping up the usual eight o'clock meeting with his editor and general manager. The editor, Eric Gerard, is the second to hold this post in the paper's short life. The last editor quit when Hirschfeld told him there would be no editing. The owner had decided earlier that day that editing gets in the way of a writer's voice. Hirschfeld wants strong opinions, strongly expressed. Gerard, formerly of *Real Estate Weekly*, says he plans to do some editing, but lightly. There have also, incidentally, been three managing editors so far, and one copy chief who offered to quit the very day she started work.

So the meeting is brisk. The editor asks permission to do a profile. Hirschfeld says OK.

I notice on the couch a stack of wide ties in various colors, all printed with a crossword-puzzle design. According to a timorous source, Hirschfeld had had these made when he took over the *Post*, and when he was forced out, he took his ties with him. Now he's giving them away again.

The morning meeting over, Hirschfeld sits down for a talk. He shows me a dummy issue. He emphasizes the mission of the paper: to provide upbeat news and to encourage harmony among the races. Some articles will be in Spanish. A section headline announces "Black News." A small pen-and-ink drawing on the cover illustrates the harmony idea. It shows Donald Trump, Michael Jackson, Barbra Streisand and Abe Hirschfeld. At the paper's early June launch party, Hirschfeld pointed to a black man on the dais and explained that each issue would feature "a complete section of black articles." He also invited a Hispanic man to speak, who delivered a brief address in Spanish before concluding, in English, "I hope you understand what I said." Hirschfeld certainly didn't—he knows no Spanish. But he does know that Spanish-speakers exist and presumably will die and buy obituaries like everyone else.

Like the open-air garages before it, the success of *Open Air PM* will depend on a commercial innovation:

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the chance to write, for a fee, your own obituary (in advance), or obituaries for your loved one, employer or employee. Illustrations are optional. Hirschfeld says a corporation can deduct the expense of an obituary for an employee from its taxes. Obituaries alone are supposed to cover, he says, "far more than the cost of the newspaper." One wonders: How many must die that this newspaper might live?

SCOTT L. MALCOMSON is the author most recently of *Empire's Edge: Travels in South-Eastern Europe, Turkey and Central Asia* (Verso).

JERUSALEM POSTCARD

LOST IN AMERICA

By Gershom Gorenberg

Benjamin Netanyahu loves America—its power, its media, its politics—and his trip to Washington next week as prime minister of Israel will be the high point of a lifelong romance. But Netanyahu's emotional attachment to the country in which he's spent a third of his life throws a potentially explosive twist into the two countries' relationship. Built into Netanyahu's psyche, I suspect, is a strong proclivity to regard disagreements with the U.S.—and especially pressure for compromise with the Arabs—as betrayal in a personal sense. There's a risk that Netanyahu is heading to re-enact the failed political love affair between his father's generation of right-wing Zionists and the British Empire.

Insiders naturally downplay the possibility of conflict. "There was very good chemistry," when Clinton and Netanyahu met four years ago, says Dore Gold, Netanyahu's foreign policy adviser. "They're not far apart in age. And they both know what a good campaign is."

Personal rapport aside, though, basic policy differences divide the two leaders. The U.S., as one foreign diplomat here notes, sees a "strategic interest" in an Israeli-Syrian peace accord. "It would end the Hezbollah operation in Lebanon. It would end the Arab-Israeli conflict. It would isolate Iran." But if Netanyahu sticks to his oft-declared vow that the Golan Heights remain in Israeli hands, the hope for a deal with Syria—and Washington's dream of a comprehensive regional peace—may be history.

There are also latent conflicts over Israel's relations with the Palestinians. The U.S. has signed the Oslo accords, which Netanyahu has compared to the Munich Pact. The deal, which the U.S. will push Netanyahu to honor, obligates Israel to give up most of Hebron immediately and to carry out the first of three "further redeployments" in the West Bank in August—diplospeak for ceding more land to Palestinian rule. Wriggling out of those commitments, or others down the road, is a recipe for tension with Washington.

The Clinton administration has little to gain from a public feud with Netanyahu before the '96 election, and torpedoing the peace process isn't good domestic politics for Bibi, either. But, while pundits have made much of Bibi's pragmatism, this trait will have to battle with other instincts he learned at his father's knee: territorial maximalism, reverence for power, belief in the nation as organic unit. Netanyahu inherited a visceral attachment to the idea of Greater Israel and a deep suspicion that outside powers will betray it.

Netanyahu's father, Benzion, now 86, was a disciple and close associate of Vladimir Jabotinsky, the fiery nationalist who founded the pre-state Revisionist Zionist movement. Reading Benjamin Netanyahu's 1993 book, *A Place Among the Nations: Israel and the World*, is like holding a seance with Jabotinsky's ghost. Netanyahu spends pages attacking Britain's 1922 decision to give Transjordan to the Arabs rather than include it in the planned Jewish national home. This was a burning issue in pre-state days but not one that usually exercises Israelis in their 40s.

Much of Netanyahu's book is devoted to a tragic, long-ago political love story, one that might well repeat itself. In his telling, Zionism as a young movement enjoyed wide support in the West, particularly in Britain. In turn, the Jews proved to be Britain's one true ally in the Mideast in World War I, when Jabotinsky formed a Jewish Legion to fight on the allied side. At Versailles, the betrothal was sealed with the British mandate over Palestine, aimed at creating the Jewish national home.

Netanyahu names the next chapter "Betrayal." Unfaithful from the start, the British—or rather, the Foreign Office Arabists who abducted policy—tore off Transjordan, stopped Jewish immigration and taught the Arabs anti-Zionism. Rather than building a Jewish state as the one safe base in the Mideast, they aimed at making the Arab world into a pro-British federation.

Netanyahu's account echoes Jabotinsky's intense identification with the West and his bitterness at Britain's "betrayal." (While other pre-state Zionists felt let down by the British, their expectations had been lower.) What's more, in Netanyahu's eyes, the pattern of perfidy recurs: the West supports Israel until 1967, then falls for Arab propaganda. "The betrayal of Zionism by the West" is expressed in demands that Israel make concessions. Consciously or not, Netanyahu seems to say treachery is inevitable.

This sense of foreboding implicit in Bibi's view of the West and of the U.S. coexists with extreme pro-

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Americanism. His inner circle is packed with Americanized or American-born Israelis: Gold, political mentor Moshe Arens, media adviser David Bar-Illan. For an economic platform, Bibi imported made-in-the-USA supply-side economics. After his election, he set up a U.S.-style national security council. During the campaign, he broke with Israeli tradition and, à la American campaigners, appeared regularly with his wife. In what may have been the most bizarre moment of his political career, he appeared three years ago on national TV to confess his unfaithfulness to her. Many Israelis regarded the move as clumsy copycatting of Bill Clinton.

Yet Bibi's intense desire for American approval coexists with a political ideology largely at odds with American interests. In his book, Netanyahu argues that Israel remains the one reliable, pro-Western state in the region, America's one sure ally. As Israeli historian Anita Shapira puts it, "The parallel with the past is his view that we are a bulwark of the West in the Middle East, rather than part of the Middle East." The U.S., by contrast, doesn't want an alliance with Israel in opposition to the Arab world. It wants a coalition of allies in the area. Shimon Peres embraced America's vision of an Israel integrated into the Middle East. Bibi does not.

That doesn't mean a blow-up is inevitable. Netanyahu might find proposals creative enough to keep the peace process going—Gold is confident that's possible—or at least to maintain the appearance of progress. Joseph Alpher, head of the American Jewish Committee's Israel-Middle East office, notes that the prime minister's circle includes figures "with a strong pragmatic streak, who don't want to be blamed for ending the peace process." But the Likud also includes rejectionists like Ze'ev (Beni) Begin and Ariel Sharon, and its governing coalition boasts parties even further to the right.

If a Clinton or Dole administration does demand greater flexibility from a Netanyahu government, it won't be the first time the U.S. has pressured Israel. But, compared to Yitzhak Rabin's battles with the Ford administration, or Yitzhak Shamir's with George Bush, Netanyahu will probably respond more stridently. Not only will he lobby sympathetic members of Congress and ask the U.S. Jewish community to do the same, he'll appeal directly to the American public.

In soundbites, Netanyahu will probably use his signature term: "betrayal." He's likely to blame State Department Arabists for hijacking the policies of the country he so admires. The tone will likely be hyperbole, if not fury. Benjamin Netanyahu may be the most American prime minister Israel has ever had. For precisely that reason, the longstanding Israeli-American love affair may be in for a rocky spell.

GERSHOM GORENBERG is the op-ed editor of *The Jerusalem Report.*

Atlanta says it's "too busy to hate." Is it?

WELCOME TO THE OLYMPIC VILLAGE

By Matthew Cooper

ATLANTA

At the Peachtree Club, twenty-three stories above the City of Atlanta, the view unfolds and, with it, the history of a city and a nation. To the east is Stone Mountain, the largest exposed piece of granite on earth and once a favorite meeting place of the Ku Klux Klan. A bit south is the stretch of American history known as "Sweet Auburn." The street was the boyhood home to Martin Luther King Jr. and his pulpit at Ebenezer Baptist Church. Auburn Avenue's shops and clubs and entrepreneurship made it a source of pride for blacks. Sweet, it was dubbed, because of the wealth it produced. Below, the streets thunder with the sound of jackhammers as the city readies for the Olympics.

But up here it is quiet. Dining with me is Kent Matlock. Bearded and bespectacled, Matlock, like me, is in his early 30s. We met six years ago when I lived in Atlanta as a reporter, a tour of duty that lasted three years. Dapper and animated, he is dressed in a fine black-and-white check suit that befits a man who heads his own company—Matlock & Associates, which, among other things, helps corporations market their products to blacks.

Before he was 20, Matlock worked for Georgia-Pacific, the paper giant. He got a foothold in their marketing operations, hired by whites eager to find talent, but especially black talent. He almost dropped out of Morehouse College but decided to finish. In 1986, he formed his own company, which is now housed in sleek offices. Born in a small Tennessee town, the son of a restaurateur, Matlock has arrived. A gorgeous Asian woman works at the reception desk. Attractive persons

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Caught in a Revolving Door

Student mobility—kids moving in and out of a school—is something teachers think about a lot, especially those who teach in poverty-stricken neighborhoods, where it can be a big problem. Undoubtedly the chief sufferers are the youngsters who suddenly find themselves in a strange class where they have no idea what's going on. But getting a new student or two in the middle of the year is also hard on the other kids in the class and on the teachers. Until recently, however, there has been little information on the extent of the problem and few real efforts to solve it.

"A typical classroom gets an average of five new students a year."

A recent study of student mobility in Chicago elementary schools, which is described in the latest issue of *American Educator* ("Kids, Schools Suffer from Revolving Door," Spring 1996), makes clear how serious the problem is. At one school of about 800 students, 170 new students enrolled between the beginning of school and January 31, and 198 left. In addition, 177 families brought children to be enrolled but transferred out before the children actually came to class. Of course, the problem is not this severe in most Chicago schools. Nevertheless, the study found that a majority of children—three in five—move from one school to another during their elementary school years; and nearly half of the moves take place during the school year. When researchers looked at the data from the school perspective, they found that "a typical classroom gets an average of five new students a year."

How does this affect the education that students in these schools are getting? It's pretty clear what problems the kids who transfer in are likely to have. As the *American Educator* article puts it, "For many transfer students, mobility is a vicious cycle: They're dropped into lessons that their previous school didn't prepare them for." Then, because they are "starting out behind in strange territory, many transfer students act out, making learning still harder." The long-term results are just what you might fear: The Chicago study found that "by fourth grade, students who had switched schools were, on average, fourth months behind students who had stayed in the [same] school." And the more often students change schools, the more devastating the effect on their achievement: "Students who had moved four or more times were, by sixth grade, a full year behind."

But even kids who never move are affected by the arrival of new students who do not know the material. Perhaps the teacher spends extra time with the new children, trying to catch them up, or perhaps she simplifies the curriculum so they can follow. Either way, the other students lose. And if there are two or three or four transfer students in the class—and a couple of them turn out to be discipline problems—the difficulties that come from their lack of preparation are multiplied many times.

What can be done? One approach the article suggests is to make sure parents are aware of how changing schools can affect their children. David Schuler, the president of an apartment owners' association in Rochester, New York, was appalled by the turnover rate among children in his apartment buildings. So he organized a successful campaign to educate parents and help them find housing within the attendance boundaries if they had to move. Schools and school districts can do the same thing. They can also relax their rules so students who have moved out of their school's attendance area can complete the year without changing schools—a number of districts have already done this. And they can make sure that parents are aware of this flexibility. But useful though these approaches are, they can't really get to the heart of the problem.

What if students who moved from one school to another didn't have to face material that was totally unfamiliar? What if teachers knew that a fourth grader who came into class in January had covered certain topics in English? That's what would happen if we had a common curriculum, as they do in other industrialized nations with successful school systems. And it would be a boon not only for kids who move but for all students. Our free-and-easy approach to curriculum means that what fourth graders learn in a given subject can differ from school to school and even class to class. So teachers can never be sure what the students who enter their class know, and they have to waste precious time making sure that everybody is ready to start on the year's work.

The *American Educator* article says that some of the Chicago schools are aligning their curriculums to help ease the transition for transferring youngsters. They have the right idea. This is something we need to do for all our students.

For a copy of "Kids, Schools Suffer from Revolving Door," write to "Kids" at the address below.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1996 by Albert Shanker.

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of every hue, including Matlock's brother and mother, work in the business. Matlock explains his commitment to multiethnic hiring: "If I'm a one-trick pony, I'm dead. I need the different perspectives." Being waited on by an expatriate British host, nibbling on shrimp, Matlock is the story Atlanta wishes to tell about itself—ambition, racial harmony, success. But Matlock is no fool. I ask him about Atlanta's much-touted image as "the city too busy to hate." The phrase comes from the city's late, lionized mayor William Hartsfield, who ran the city for more than a quarter century and helped ease the city through the civil rights era without the violence of a Birmingham. "I think it's something that we aspire to," Matlock tells me. "It's obviously not where we are."

Where is Atlanta? When the Olympics descend on this city, the world will focus on the home of *Gone With the Wind* and Coca-Cola, Ted Turner and Elton John. Two million visitors will attend, and more than 3 billion will watch on TV. Short of war, it's been said, there is nothing bigger that can happen to a city than the Olympic Games, especially these, the Centennial Games marking the 100th anniversary of the modern Olympics. And each time the Olympics are held there is a parallel drama taking place off the field. How will the host city be seen by the rest of the world? The 1936 Olympics in Berlin were, of course, about the Third Reich. Other Olympics have made grand statements about the host city. The 1964 Tokyo Olympics, for instance, showcased Japan's rebirth after its economy was shattered by World War II. Before they were besieged by the thugs of Black September, Munich's 1972 games were about German democracy. Atlanta, then, will offer athletes to the world. But it will also offer itself. It is not the first time. The obsession with being "world-class" is woven into Atlanta's DNA. Burned in the Civil War, its symbol is the Phoenix rising from the ashes. Its motto: *Resurgens.* Its ambition can grate. Back in the nineteenth century a popular joke, to the east in Savannah, was that "if Atlanta could suck as hard as she blows, it could be a seaport, too."

I came back to Atlanta to try to see what had changed since I left in late 1992, to wonder anew about this city and what it can, and cannot, teach the rest of us. I confess to being soft on the place, perhaps because of what it meant to me. Having gone to college fifteen miles from my home in New Jersey, Atlanta was my India, my modest venture to a different culture. I liked its sublime aspects. Yes, its barren Sunbelt downtown, a crazy quilt of skyscrapers and empty lots, holds little allure—a fact to which millions of visiting conventioneers will readily attest. But Atlanta's leafy neighborhoods are another story. Nowhere near an ocean or a river, Atlanta is set amid a forest. When showing visitors around, I'd show them the wraparound porches and dogwoods instead of the cold planning of John Portman, the architect who devised the now infamous giant atriums you see in hotels and offices. I missed the ethnicity I had known in the Northeast. In Atlanta proper, just 13,000 of the 394,000 residents of the city are foreign-born. True, in the suburbs—the metro area has 3.4 million residents—mosques and taquerias are springing up, the new Miss Atlanta is a Korean-American, and the head of Coca-Cola is Cuban-born. Still, I liked Atlanta's common black-white Southern culture. At cafeteria-style restaurants like Thelma's or Burton's grill, run for many years by a preacher, Deacon Burton, there's a comfortable mixing found less often in the North. Over heaping plates of fried chicken and greens, you'd see black cops and white businessmen happily digging in. I liked Atlanta's Junior League-types. Never before had I attended a party where no less than three women were named Ginger. Even the thirty-two streets named Peachtree held an odd appeal for me.

How has the city changed since the Olympics? The frenzy had already begun when I lived in Atlanta. I remember the September morning in 1990 when the city was chosen. The city's bid was, Atlanta-style, the result of one ambitious sales job. Billy Payne, a suburban lawyer and former University of Georgia football star, sold the idea to city fathers. And they in turn sold it to the world. When International Olympic Committee officials visited Atlanta they found a city already decked out in Olympic flags. IOC President Juan Antonio Samaranch, an avid weightlifter, was treated to a Nautilus machine in his hotel suite. Computer whizzes at Georgia Tech came up with a magic carpet ride that virtually "flew" the delegates through the city. Then Mayor Andrew Young, the former United Nations ambassador, parlayed his influence. He lured the swing bloc of Third World delegates, selling the city not only in terms of logistics—good phones, big airport and so on—but also as a racial statement. In one case Young hit up a delegate from Senegal who he had, years earlier, gotten an appointment to the Hague. The favor, it seems, was returned. When the city got the games the local paper, in one of its many commemorative editions, ran the front-page headline: "WORLD-CLASS!"

The desire to be taken seriously not just as a regional transportation hub but as an international city has long been an obsession here. In 1895, the Cotton States and International Exposition marked Atlanta's rebirth after the Civil War. Henry Grady, the editor of the *Atlanta Constitution*, used the forum to promulgate the term "New South." He hailed Atlantans for raising a "brave and beautiful city." That would have come as news to the city's blacks. Still, at the time of the exposition, the *Constitution* proclaimed: "We thoroughly and fervently hope that the Atlanta exposition would finally and forever put an end to the current misrepresentation of the South and the southern people." The same words could be written today.

The Olympics have brought about a sizable, but not complete, transformation of downtown Atlanta. It wasn't as if I didn't recognize the place. Still, the changes are substantial. There are the imposing new venues like the Olympic Stadium, where track and field

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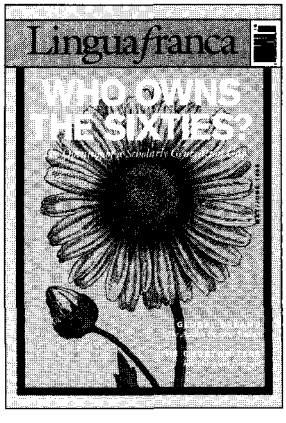

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events will be held, and the Natatorium, open on two sides, which will allow fans and cameras to gaze at divers and the city's burgeoning skyline simultaneously. Banners line the streets. New roads have sprung up. Gone is the once-laughable highway controversy in which the oh-so-saintly Jimmy Carter was at odds with neighborhood activists over a road leading to his presidential library. "Freedom Parkway," it's called. And, of course, the hyper-consumerism that is the modern Olympics is on display. You can buy a $15 doll of Izzy, the games' ugly mascot, which is not even an animal but a blue computer "morph." Saks Fifth Avenue is offering a $340,000 set of jewel-encrusted Olympic pins. Corporate pavilions have been erected in the new Centennial Park, the most prominent being, naturally, Coca-Cola's Olympic City, a mini-amusement park in which you can, through virtual reality, practice your jump shot against Grant Hill. At the park's center is a 165-foot statue of Coke's contour bottle.

I toured the city with Rick Allen, author of *Atlanta Rising*, one of several new books about Atlanta. It's a great read, by far the most concise and worthwhile for someone who doesn't want to slog through competing tomes that run upwards of 400 pages. A tall, preppy blonde who looks younger than his late 40s, Allen participates in a local version of "The McLaughlin Group," known as "The Georgia Gang." I sit in on the show's taping in which, of course, the first topic is the Olympics and whether Atlanta will be ready. This much has not changed. For six years, the city has been like a family holding a wedding at home, nervous that the band won't show and Uncle Jack will hit the Jim Beam. The idea of being embarrassed by logistical screwups scares this city. After all, it is not offering a glamorous backdrop à la Barcelona. Its greatest asset is its efficiency.

As Allen and I tour the changing neighborhoods, the venues do look pretty impressive. What's more startling is the way one is forever bumping into modern American history, the way one stumbles across great art in Florence. We drive down "Sweet Auburn" and happen upon Reverend Joseph Lowery, the head of the Southern Christian Leadership Conference (SCLC). This former King ally now heads King's organization, and on a hot June day—Atlanta style—he is on the street doing a photo-op, posing with a giant check being donated to the SCLC's fund for burned churches. What are you doing during the games, I ask Lowery. "Going to Barcelona," he jokes. Forever the activist, though, he's quick to complain about the dearth of black faces he sees in construction crews around town. Statistics tell a different story, though. Fully one third of Olympic construction monies are being doled out to minority firms. Later in the afternoon, we take drinks at a bar adjacent to the catering business once run by the mother of Vernon Jordan, the Atlanta lawyer who went on to become head of the Urban League and, more recently, Bill Clinton's best friend in Washington. Jordan's brother, Windsor, occasionally stops in. Joining us at the table is Tom Watson Brown, an attorney, and the great grandson of Tom Watson, the turn-of-the-century populist and demagogue. Munching chicken wings, the heir seems less ferocious than the ancestor.

I ask Allen the question that's been on my mind: whether Atlanta's history of race relations can instruct other cities, for better or worse. In the books and articles on Atlanta there have generally been two themes. The first is a positive look, emphasizing the city's "too busy to hate" image and touting Atlanta as a model of race relations. The other view, which might be called "too busy to care," touts Atlanta as a fraud, basically a segregated, poor city with a patina of bonhomie but hardly in a position to lecture the rest of the country.

Allen is basically an optimist, preferring in his book to accentuate the glass-is-half-full side of the city's history. At the end of World War II, Atlanta and Birmingham were roughly the same size, competing for primacy in the region. Birmingham, whose steel mills were run by absentee landlords, fell into the hands of Bull Connor and other violent repressors of black aspirations. Atlanta, by contrast, had a series of mayors and corporate chieftains and an enlightened black leadership that got the city through the civil rights era without the bloodletting that befell other cities. "Time and again during the last century," Allen writes, "Atlanta took the right fork in the road."

History, the optimistic version goes, conspired to make Atlanta succeed. Prominent black universities and a wealthy black bourgeoisie produced an African American leadership to be reckoned with. When the white primary was abolished in 1944, blacks in the city became effectively franchised, and their votes became pivotal for Mayor Hartsfield, who owed several of his elections to black support. Accordingly, then, he was more responsive to black demands than other mayors in the South. In the late 1940s, he integrated the police force after black protests in which appeals to pragmatism were more prevalent than fairness. "NEGRO POLICE WILL AID IN LAW AND ORDER" said one NAACP banner at the time. Hartsfield conceded, albeit in token numbers and with the indignity of compelling the black recruits to suit up at a YMCA rather than with the rest of the force. Still, their mere presence in the South was impressive. That they made the same money as their white counterparts was extraordinary. In the 1950s, Hartsfield helped carry out the desegregation of some public facilities. The city's golf courses were desegregated slyly. Hartsfield, a boisterous showman, asked TV cameras to come down to the city's premier course, Bobby Jones (named for the fairway legend), and tape the golfers. The blacks, though, weren't there, and the cameras packed up. Meanwhile, across town, the black players, after an agreement with Hartsfield, took their swings on another course. Later they began to play at Bobby Jones, too. Whites dubbed Hartsfield's golf move "Pearl Harbor," but it worked. The city's swift response to the bombing in 1958 of the Temple, the city's most prominent synagogue, earned praise from President Eisenhower, and

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the editorial denouncing the bombing by the *Constitution*'s editor Ralph McGill won him the Pulitzer Prize. In 1961, President Kennedy urged Americans to "look closely at what Atlanta has done" in desegregating its schools. In 1963, Ivan Allen was the only Southern mayor to endorse Kennedy's civil rights bill, the forerunner of the Civil Rights Act. A brilliant set of black leaders such as Julian Bond, John Lewis and King led the way. When King won the Nobel Prize in 1964, the city held an integrated dinner in his honor. Ticket sales were spurred by Robert Woodruff, the head of Coca-Cola, who did much to foster progressive race relations in the city. After all, with an increasingly global market, Coke could ill afford to have its image tarnished. Other advances came by accident. The Chamber of Commerce was integrated when a local contractor, Herman Russell, was sent a routine application to join. He did, and no one kicked him out for fear of embarrassment. Today, he's one of Atlanta's most prominent businessmen. "We're building, as you know, a new South, a greater South," Martin Luther King told a 1965 audience in Philadelphia. "And in a real sense, Atlanta is one of the brightest and most promising spots of that new South."

It is this ebony-and-ivory image that lured the games to Atlanta. For the other side to the story, I went to see Ronald Bayor, a historian at Georgia Tech who has just written a book, *Race and the Shaping of Twentieth-Century Atlanta*, that disputes the myth of racial harmony. "The Chamber of Commerce won't like it," Bayor tells me, sipping a Coke at a sports bar called Jocks and Jills. While Allen hails originally from tony Bronxville, Bayor is from the real Bronx, and has the New Yorker's accent to prove it. And with a Northerner's skepticism, he set out to show how the city had failed to live up to its hype. I should mention that several Atlanta books have hit the shelves. *Imagineering Atlanta*, by Charles Rutheiser, is a critical and terrific look at Atlanta's hype. Two well-publicized, wonderfully written but long books about Atlanta are *Where Peachtree Meets Sweet Auburn* by *Constitution* writer Gary Pomerantz and *The Temple Bombing* by Pulitzer-winner Melissa Fay Greene. They take more nuanced approaches. Bayor's, though, may be the toughest. Only a few blacks were allowed into the schools, he notes. And, after the floodgates opened, whites abandoned the inner-city schools in droves. Hartsfield, he notes, was a segregationist who had to be pushed into making any accommodations to blacks. And Bayor shows how a myriad of social policies led to rigid segregation. Consider the city's roads. The highways, says Bayor, are a mean streak running down the middle of Atlanta. Three interstates converge on Atlanta, cutting off its black and white sides. "This didn't happen by accident," he says. Indeed, in a vestige of segregation, some roads literally change names to separate black from white. Monroe Avenue, for instance, becomes Boulevard. The *Constitution* has carefully documented the history of red-lining in the city.

A spin through Census data shows that there is much in contemporary Atlanta to merit the "too busy to care" thesis. First, its inner-city is in utter despair: 27.3 percent of city residents live in poverty, ranking it fifth among American cities. Atlanta has been ranked number one and number two in the nation in terms of crime. Boosters note that the central city is small and so, like reduced gravy, its poverty-and-crime statistics are thicker, more pungent. Still, there's no denying that the city remains geographically segregated, with whites stretching south and only a handful of neighborhoods in the city, like the historic Grant Park District near the Olympic venues, being truly integrated. Indeed, most of the population growth and virtually all of the construction of office buildings has pushed north toward affluent Buckhead rather than south, where more of the blacks are. Atlanta has the smallest central city of the nation's ten largest metropolitan regions—the hole in the doughnut, it is called. When it comes to education, Atlanta debated its school desegregation for years, but the fact is that the city schools are now virtually all black.

I saw some of this division firsthand when I lived in Atlanta. I heard respectable sorts deride the mass transit system, MARTA, as standing for Moving Africans Rapidly Through Atlanta. And there were ugly moments of black prejudice. On April 30, 1992, the day after the Rodney King acquittals, a student protest marched from the campus of Clark Atlanta University toward city hall and the state capital. The confrontation soon turned ugly and before long, hundreds of black youths were parading through downtown, smashing windows, beating up whites, breaking into Korean stores. In the middle of this mêlée, trying to cover it, I found myself slipping into buildings, trying to avoid the mob. The crowds came up the street from the CNN Center and the Omni where the Hawks play, and I decided to call it a day. I'm glad I did. Moments earlier the crowd had beaten a white man severely, leaving him brain damaged.

Is there a middle ground between the optimistic and pessimistic views of Atlanta, between the rioting in the streets and Kent Matlock dining at the Peachtree Club? Clearly, the city doesn't live up to its hype. No city, of course, can be understood through its press releases. Still, the city's racial détente did make its growth possible. Part of it was dumb luck. The right people in the right places at the right time. Other cities can't hope to clone a John Lewis or a Ivan Allen, but Atlanta shows the power of forums where blacks and whites air grievances. These days, such "community groups" have a soft, fuzzy feel about them. But it was precisely groups like the Hungry Club lunch, a regular meeting of blacks and whites at the Butler Street YMCA that made a difference in the city's image and brought so much growth. Having major business elites involved in the shaping of public policy also mattered. Few cities have as imposing a figure as Robert Woodruff, who can create social policy. But it does seem to make a difference to have corporate honchos involved.

There is something to be said, too, for the power of

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myth. Every city cloaks itself in a kind of mythology. New Yorkers see themselves as blunt, outspoken, tough. Seattlites trumpet the aesthetic pleasures of their town, their unique mist of fog and cappuccino. New Orleans prides itself on its *laissez les bons temps rouler* hedonism and tolerance. All of these are myths with bits of reality to them. They give people in those cities a sense of communal identity. Atlanta is no exception. It has spun a myth of racial harmony that's been blown out of all proportion to everyday life. And, yet, is it not better to have such a myth? The myth brought the Olympics to Atlanta, and it will continue to bring businesses here as well. It may not solve Atlanta's problems, but it doesn't exacerbate them, either.

"It's something to aspire to," Matlock said. As he said that, high above Atlanta, I looked out at Stone Mountain and was reminded of one of the ironies of my time here: the summer concerts where laser-light shows are splashed on the side of the huge Confederate memorial—the world's largest sculpture—carved into Stone Mountain. The show included a tribute to King, his image beamed over Robert E. Lee, Jefferson Davis and Stonewall Jackson. On one hand the juxtaposition was disturbing: the Civil War and civil rights had been rendered morally equivalent. But it was also a wonderful bit of myth-making, too. The city has superimposed King over the soldiers of the Confederacy, allowing both parts of the past to form the myth of a tolerant, biracial metropolis. Too busy to hate? Of course not. But there are worse ways for a community to think about itself. •

Phil Gramm, the KKK and a tortuous trail.

LOATHING IN LAS VEGAS

By John B. Judis

On the airplane, I caught sight of someone reading the latest issue of *U.S. News and World Report*, with a cover story on "How to Raise a Moral Child." It sounded like typical middlebrow sermonizing, based on the assumption that morality (that is, morality as defined by the editors of the magazine) could be taught in the same way as spelling or darts. It's not that simple, as I could attest. Here I was traveling to Las Vegas with a polygraph expert to interview a man who, I believed, did not have an adult sense of right and wrong. He had bedeviled me for a year, and now I hoped I could finally determine whether he was telling the truth.

In May 1995, I had published an article in THE NEW REPUBLIC describing how Texas Senator and presidential candidate Phil Gramm concealed his investment in 1974 in a soft-porn movie called *Beauty Queens*. About three weeks after the article appeared, I received a letter containing a weather-beaten membership card from July 4, 1974, for Phil Gramm from the Texas Fiery Knights of the Ku Klux Klan. It was signed by "Scott Nelson, Imperial Wizard." On the back of the card was a message to Gramm from Nelson: "Happy Birthday to you next week Phil, Scott. Glad your initiation into the local klavern was OK." Underneath that was Gramm's address in College Station, Texas. The envelope was postmarked Las Vegas, but it bore no return address.

For the hell of it, I decided to do some simple checking. What I found was disconcerting. Gramm's address was exactly what the card described; his birthday was July 8, which was the following week. I discovered through a Nexis search that Nelson had been the head of the Fiery Knights in 1974. He had run for mayor of Houston in 1975, and in 1976 was even slated to run for vice president of the United States on a national Klan ticket. Soon afterwards, Nelson dropped out of the news until December 30, 1993, when *The Houston Chronicle* reported from the Philippines that he had been kidnapped. A week later, the Associated Press reported, Nelson resurfaced unharmed, claiming that he had been robbed.

I called *The Houston Chronicle*'s librarian to see if she had anything from the 1970s with Nelson's signature on it. She sent me a questionnaire that Nelson had filled out for the 1975 mayoral race. As it came in over the fax, I saw that the signature and handwriting matched that on the card. The card, I realized, could be genuine, and Gramm could have been involved in 1974 in something far worse than investing in soft-porn movies. But questions abounded: If it was Gramm's card, how did it end up in my mailbox at THE NEW REPUBLIC? Was Nelson himself still around, and could he have sent the card to me? And what were the conceivable circumstances in which Gramm, a respectable college professor with an Asian American wife, would have joined the most notorious racist organization in America?

I went to College Station to see whether I could find anyone to attest that Gramm had been a member of a

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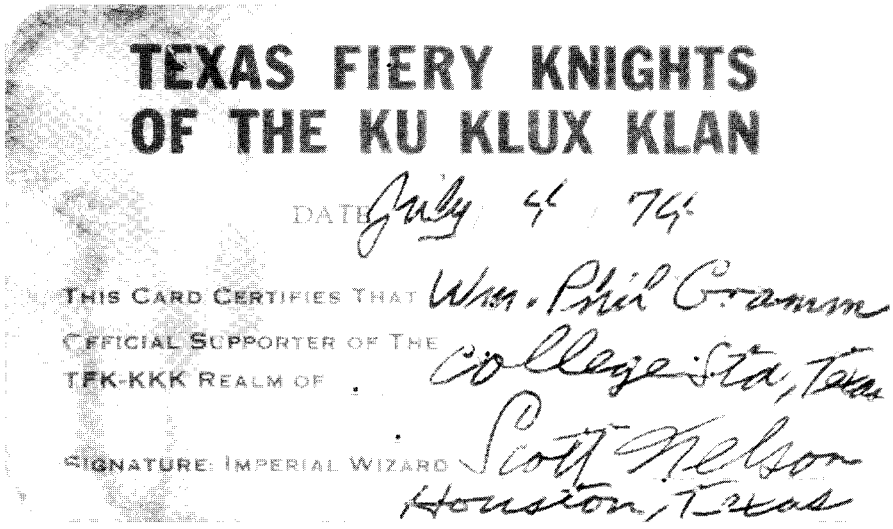
local klavern. I never supposed that Gramm had joined the Klan out of agreement with its aims. In writing a profile of him for *GQ*, I had spent a day with Gramm and had also interviewed his wife, brother and childhood friends. Gramm is not an easy person to read. Like other politicians, his self is buried beneath layers of calculated appearance designed to make him an appealing public figure. But, from what I could gather, Gramm's concealed self contained a blend of rebellious mischievousness and searing ambition. I couldn't discern the kind of hatred and resentment, nor the overriding sense of failure, that drives people to embrace organizations like the Klan.

If Gramm had joined the Klan, it would have been out of cynical calculation, with perhaps a dash of mischievousness thrown in. As a politician, Gramm had sometimes seemed to play the race card. In 1976, he had briefly backed George Wallace for president. It was conceivable, though not likely, that in 1974, while contemplating a run for Congress, he might have thought a secret membership in the Klan would help his chances in East Texas, where Wallace retained significant support and where the Klan was still strong. But I couldn't find any evidence in College Station of the Fiery Knights, let alone of Gramm's membership in a klavern.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SIGNATURE: IMPERIAL WIZARD Scott Nelson
Houston, Texas

THE CARD THAT SET OFF A YEARLONG ODYSSEY

I had no better luck in trying to find Nelson himself. He was not listed in any phone directories in Texas or Nevada. I enlisted Sheila Coronel, an investigative reporter in the Philippines, to look for him there. She discovered a train of marriage and divorce. In 1991, Nelson had converted to Islam to marry a Muslim woman but had later divorced her. Then he had married another Filipino woman named Adelaida and was supposed to be living with her in Cebu in the Central Philippines. In October, Coronel finally got to Cebu, but she found Nelson and his wife gone. The owner of their pension told her that they had left for the U.S. "He talks of Nevada and Texas as Scott's likely destination," Coronel wrote. "Unless there's such a place as Nevada, Texas."

I decided to call information again in Texas and Nevada, but to ask this time for Adelaida Nelson. In Las Vegas, the operator couldn't find Adelaida Nelson, but she added apologetically that there was a new listing for an "Adelaida and Scott Nelson." After six months, I had found him. I decided to go there without phoning first. I didn't want him to be able to avoid me. I also didn't want him to be able to deny that he had signed the card. Before I left, I asked Jerry Richards, the former head of the FBI's Document Operations/Research, to look at the card to see whether the handwriting matched the samples I had acquired from the 1970s. Richards couldn't give me legal certainty, but he said, "I have no suspicions that this is a forgery."

I landed in Las Vegas just after New Year's. Nelson's address was not listed, so after pacing my hotel for an hour rehearsing my lines, I called him, and introduced myself. He said he didn't recognize my name but had heard of THE NEW REPUBLIC. He agreed to meet me at Binion's Horseshoe, a large downtown casino.

Las Vegas's entertainment district is composed of the strip, lined by glitzy high-priced hotels offering big-name entertainment, and the seedier downtown that specializes in serious gambling. On the strip you see conventioneers and families on vacation: in the downtown, the hardened faces of men and women who have had their hopes dashed on the roulette wheel or blackjack table, but who still dream of parlaying their meager savings, or even Social Security checks, into a fortune. Binion's is their casino. It takes up a city block. It is dark and cool inside and even at noon is crowded like a subway car at rush hour.

Nelson showed up several minutes after noon with Adelaida ("Addie"), his fifth wife, in tow. He was wearing a red nylon windbreaker from Laughlin's Riverside Casino, and she had on a long brown quilted coat, even though it was about 60 degrees. Nelson, 57, was a small, compact man, with a slight swagger in his walk and an almost perpetual grin. His thin brown hair receded back over his head, making him look a little like Lamar Alexander.

We sat in a cafeteria downstairs, and I showed him the card. "I don't remember having this card with me in my possession," he said. But he remembered the card and the circumstances in which he signed it. "I didn't initiate him myself," he said of Gramm. "I was not present when he was initiated. I was told by some members that were in the College Station area and Waco that were members of the Texas Fiery Knights that he had shown interest in joining the group. But he didn't want to be an active member. He wanted to be a closet, underground member. I believe he was a Democrat at

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that time. I was given his address."

I asked him who initiated Gramm. He gave me the name of the head recruiter in the Fiery Knights, whom I'll call Louis Walton, but whose real name I'm withholding. Walton "was from College Station, but lived in Houston," Nelson said. He had been shot inadvertently during a robbery that took place in a restaurant where he was eating and, according to Nelson, was probably dead. Nelson said he had no idea who sent me the card. "Having known how treacherous women are, I would suspect my first wife," he said.

As Nelson talked about the card and Gramm, he spoke in a monotone and in short sentences, as if he were testifying in court. But when he would talk about his own life or about contemporary politics, he grew much more animated. Nelson told me his father was a Klansman who was initiated in Dallas in 1924 by Hiram Wesley Evans, one of the men responsible for the Klan's revival in the 1920s. Nelson was born in Fort Worth, grew up in Shreveport and moved to Houston, he said, after being discharged from the Navy after six weeks for going AWOL. He was initiated in the Klan when he was 18, and at 29, in 1972, first joined a klavern in Houston.

Nelson said he wasn't impressed by the members of the United Klans of America. "It had become a coffee and doughnut bunch of guys. There wasn't a lot of interest in action," he said. He and fifteen other men split off to form the Fiery Knights. I asked Nelson his aim. "I would have honestly liked to see a race war at that time. You know you got to have a lot of men and money; you got to have an army."

According to Nelson, the Fiery Knights didn't do much more than its predecessor. The group held a few demonstrations and got into a brawl with Socialist Workers Party members in Houston. "Mainly it turned out to be coffee and doughnuts the same as before," Nelson said. In 1976, he stepped down as Imperial Wizard and in 1977 stopped identifying himself as a member of the Klan. He didn't stop being a racist—in 1977, he went to Washington to join an American Nazi demonstration—but he became disillusioned with the Klan because of its support of Christianity. "The lighting of the cross is supposed to signify that Christianity is the light of the world. I no longer consider myself a Christian," Nelson said. "I am an atheist. I have my own personal thoughts about religion. I think it is a big farce. It's a fairy tale, you know."

In the '80s, Nelson moved to the infamous Kingman, Arizona, and worked across the state line at the casino in Laughlin. He went to the Philippines in 1987, where he lived off his savings and his wives and what he could win from betting on cock fights. In October 1994, he had two heart attacks and decided to return to the United States, where he could get better medical treatment. He ended up in Las Vegas because jobs were plentiful and a car was unnecessary, but he himself didn't work. He was spending his days watching the O.J. Simpson trial and reading about politics at the local library, while Addie worked as a cashier at a casino. He told me he liked Pat Buchanan the best of all the presidential candidates. He also showed me a piece of paper on which he had written down whom he thought the Democrats should nominate. His choice was a ticket of Johnnie Cochran and O.J. Simpson or Jesse Jackson and Louis Farrakhan. I pocketed the list. I wanted to use it as a sample of his printing.

When I got back to my hotel that afternoon, I faxed Nelson's list to Jerry Richards, the ex-FBI man. I wanted him to compare the printing on the list with the printed address on the envelope that had arrived from Las Vegas last June. The writing on the envelope was clearly different—it looked like the rickety, jagged effort of an old man—but I wanted Jerry's judgment about whether Nelson could have contrived it. Jerry called me back several hours later. He couldn't make a definite judgment, but he thought there was a 60 percent chance Nelson had addressed the envelope with his left hand. Recalling his FBI experience, Jerry said, "I would push him. If it was me, I would put the badge on him." I called Nelson and arranged to see him the next morning before I left.

We met at a Day's Inn in downtown Las Vegas. It was warmer, and when Nelson took off his red windbreaker, I noticed his arms were covered with tattoos. He also had a small swastika tattooed on his right earlobe, which in the dark of Binion's I had mistaken for an earring. "I just kind of liked the looks of it. It was controversial," he said. At this second meeting, Nelson wanted to talk about money, blacks and politics. He clearly didn't want to talk about the card, and I had to interrupt him so I could finally tell him what Jerry Richards had said about the penmanship on the envelope.

Nelson was impressed that I had consulted a former FBI man. "I only told you part of the story," he said in his confessional monotone. "I made out two cards. I filled out two identical cards. I gave one to Walton to give to Gramm. But I also mailed one to Gramm." His voice picked up. "Let me be straight. Something like this is very explosive. It could fuck the Republican process up. It would be a bigger thing than Watergate or Whitewater. I couldn't talk before because Addie was there. Walton gave me the damn card back. I found the damn thing in some of the old stuff I had. I mailed the card to you. I printed the envelope with my left hand."

I asked him why he sent me the card. "Well, the reason I mailed it to you to start with was that I don't think too much of Gramm," he said. What didn't he like? I asked. "Everything," Nelson said. "To be honest with you, I got a damn Oriental wife, but so does Gramm. I don't really like that. She is from Taiwan or China originally. The damn guy is not sincere. Everything about him. I never did meet him, I never did talk to him, but shit I just can't stand him."

It didn't make sense, but as would become clearer to me later, Nelson saw in Gramm a reflection of himself: a son of the hardscrabble south who married an Asian woman and who, Nelson believed, secretly shared the same views. But while Nelson lived

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off his wife in a Las Vegas low-rise, Gramm was a famous presidential candidate. By sending the card, Nelson wanted to bring him down to his level.

When I got back to Washington, I began looking for Walton and, with the help of a Klan-watcher, located him several hours north of Houston. I left the next day for Texas, rented a car and drove to a town I'll call Pecos, a small dusty place with a dingy motel whose room windows were cracked from highway vibrations. Walton himself didn't have a phone, and his address turned out to be a trailer tilted precariously in a roadside ditch. He wasn't in, so I started asking for him on the main street in town. I was directed to the local gun store. Behind the counter was a tall, gray-haired, bearded man with a pronounced limp and a halting manner of speech. It was Walton.

I asked him if we could talk. He showed me to two folding chairs in the back room where the store's owner was talking with a customer. The customer, sporting a razor cut and long sideburns, and wearing only an undershirt, looked like a skinhead.

I quickly established that Walton was the same person Nelson described, and I showed him a photo of Gramm's membership card. "That is a membership card. The name Gramm is familiar," he said. But he didn't remember a klavern in College Station, and he didn't remember ever having seen this card. "Scott is notorious about notoriety. It feeds him," Walton said. "I hate to call Scott a liar, but to the best of my knowledge no one by that name, Phil Gramm, ever received a card." As we conversed, however, Walton nervously eyed the two men across from us. When I asked him how he got involved in the Fiery Knights, he asked me if we could walk outside. Once outside, he suggested we sit in my car. Then Walton told me his story.

In the early '70s, before he was wounded and disabled in the robbery, Walton was working as a private investigator in Houston on a case that involved illegal gun sales. One of the local FBI agents asked him if he could watch two of the suspects. When they joined the Klan, he joined, too, and said he became an FBI informer. He quickly rose through the Klan's ranks and became Nelson's kleagle, or head recruiter. He never shared the Klan's outlook and was constantly trying to hold Nelson and other members back. "They would want to pick up a black and kill him just because he was black," Walton said. "I told them it was stupid. I would single out Angela Davis, because she was in California. I'm glad she didn't show up in Houston."

According to Walton, the Fiery Knights often committed wanton acts of racism. They burned crosses on people's lawns. Two of the Klan members cut the gas hose of a black gas station owner. Nelson and other members used to carry cards bearing threatening messages that they would give to interracial couples. Nelson also printed cards he would hand out and leave in banks promoting his campaign for mayor. Walton later showed me one that displayed a picture of a thick-lipped black with a bone through his nose. It read, "Back to jungle, stinking nigger primate. It's Scott M. Nelson for Mayor." (In 1975, Nelson was fired by Entex, the local power company, when he inadvertently sent one of these cards to a company official.)

Walton said he was reluctant to answer my questions about Gramm because no one in Pecos knew he had worked undercover twenty years ago. He was still regarded as a former Klan member, and some customers at the gun store would ask him for applications to join. He said that while the Klan didn't have any organization in that area, many people shared its basic outlook. I promised I would not reveal his name or where he lived.

We drove off to a local restaurant, and Walton was a little more definite about what he remembered. "I heard that name. I heard about a Gramm, but I don't know which Gramm," he said. When I met him the next day at the same restaurant, he was much more definite. He said that Nelson told him at dinner in 1974 that he had recruited someone named Gramm who taught at Texas A&M. "I remember A&M. I could swear to it," Walton said. But he still insisted he didn't remember "Phil" Gramm and that he never met him or recruited the future senator.

That evening, I called Nelson, who informed me he was celebrating "Martin Luther Coon Day." When I recounted my conversation in Pecos, Nelson insisted that Walton was lying about not having recruited Gramm. "He has known him for twenty years. He is probably one of his supporters," Nelson said. I didn't know who to believe.

Like other journalists, I have rules of evidence I follow. I wouldn't approach the subject of such a story, whom I assume would deny the charge and attempt to discredit me, until I had two credible sources, one of whom was on the record. This was a special case, however, because my on-the-record source was a career racist who, as Walton put it, "lives on publicity" and because my two sources disagreed on important details. But I had an added piece of evidence: the card. If I could prove that Nelson filled it out in 1974 and not in 1995, then I would have sufficient grounds for asking Gramm for an explanation.

I called Nelson and asked him to sign an affidavit attesting that, at Walton's request, he had filled out and mailed a membership card to Gramm. I wanted a current handwriting sample to give Jerry Richards to compare with the campaign samples from the 1970s. After examining them, Jerry said he now thought the signature and writing on the card were definitely Nelson's, but he was disturbed that, in filling out the card on the back, it appeared that the writer had carefully skirted a portion that looked like it had been more recently damaged. "That makes me highly suspicious," Jerry said.

I sent the card to two ink experts, Bob Kuranz, Parker Pen's chief chemist, and Richard Brunelle, the chief chemist for the Bureau of Alcohol, Tobacco and Firearms. Kuranz and Brunelle handed down the same

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verdict: the card was written with Bic ballpoint ink that was not manufactured until August 1979. The card could not have been written in 1974. Brunelle said that dryness tests showed the card was probably written during the last year. The card was a hoax.

After two hour-long anguished phone calls, Nelson finally stopped insisting that the card was genuine but continued to maintain that Gramm had been a member of the Klan. I suspected that he was still lying, but I couldn't explain Walton's memory of "a Gramm." I went back one more time to Pecos to talk to Walton. Walton seemed happy to see me. I didn't share his interest in guns, but, unlike his fellow citizens, I didn't make him uncomfortable by peppering my conversation with what Walton called the "n word." We went back to the local restaurant, and I told him to forget about the card. But Walton insisted that Nelson had told him about someone named Gramm from Texas A&M joining the Klan. "I remember something about a Gramm at A&M. He was a professor there, I think." Yet he convincingly denied that he had been the link between Gramm and Nelson. "I never did anything without Scott, but Scott did a lot of things without me. When I wasn't with Scott, the Klan didn't exist. I was a flunky. Scott is either lying or he is very forgetful."

I called Nelson when I returned to Washington and told him that, without documentary evidence and a credible witness, I couldn't go ahead with the story. I decided to go cover the election campaign.

Over the next several months, Nelson would call every few weeks. He was upset, he told me, when former Klansman David Duke endorsed Buchanan before the Louisiana caucus. He said Duke, who had tried to merge his organization with the Fiery Knights in the early '70s, was really trying to subvert Buchanan. "He is going to make every nigger in Louisiana vote for Gramm," Nelson said. "That was the idea behind it. I don't know why he is trying to kill Buchanan." I reassured him that there were not many black Republicans in Louisiana who were going to vote for Gramm. After the Iowa caucus, when Gramm dropped out, he lost interest in him. "It's all over with Gramm," he said. "There is no use doing a story."

Yet, in my mind, the story remained unresolved, and last month I decided to make a final attempt to resolve it. I called Nelson and asked him if he would be willing to take a lie-detector test. I expected him to refuse, but he quickly assented. At Jerry Richards's recommendation, I recruited Paul Minor, who had been head of the FBI's polygraph testing. I told Minor my greatest fear was that Nelson would somehow lie and pass the test, but he assured me that the tests were "98 percent accurate." We arranged to leave for Las Vegas the next week.

I met Paul Minor at the airport. He was a tall man with gray hair dressed in jeans and cowboy boots and a cap from a saddle club in Virginia. I had now met two different kinds of former FBI agents. Some, like Jerry Richards, were large jovial men who had the mentality of newsmen or detectives. Others, like Paul Minor, were taciturn inquisitors. Indeed, Minor had gotten his start as an army interrogator. On the airplane, he talked to me only when I asked him questions. But what made him poor company on the airplane made him perfect for the job. If anyone would scare the truth out of Nelson, it would be Minor.

That evening, when we got to the hotel, Minor made it clear that he didn't want to see me until the next morning when I was supposed to bring Nelson to his room. I picked up Nelson at nine the next morning in front of the Day's Inn. He looked much different than he had five months before. He had shaved most of his hair off, so that he looked more like Jean Genet than Lamar Alexander. As we drove to the hotel, he jabbered about O.J., Buchanan and the Israeli elections.

I showed him into Minor's room. Minor, dressed now in gray slacks and a white dress shirt, appeared cordial but stern. As I left, I heard Nelson asking him whether O.J. Simpson had ever taken a lie-detector test. I went downstairs and got into my car. Minor had said that the test itself would last three hours: he would begin by interrogating Nelson, then give him the test, and then, if Nelson flunked, try to wring a confession out of him. I didn't think this session would last three hours. Sure enough, at about 10:30, Minor called me and said they were finished. Nelson had failed.

When I entered the hotel room, Nelson was slumped in his chair. He was still grinning, but sheepishly, like a 4-year-old caught stealing change. Minor, who was standing over him, said, "I think we understand each other. I think that it was designed to embarrass the candidate during the campaign. And he feels he can't admit that because it would be embarrassing, because it would put him in some kind of liability. It would be kind of embarrassing to admit, wouldn't it?" he asked Nelson. "That's where we are," Nelson replied.

I probably should have been furious with Nelson—after all, I had wasted the better part of a year on the story—but I felt more relief than anger. In the car, I asked him whether he had worried about what a false story like this could do to Gramm, or to Walton, whom I now believed had been misled, like me, by the card's power of suggestion. "Look at Admiral Boorda, who shot himself," I said. But Nelson had been reduced to monosyllables, grunts and incomprehensible sentences. "Yeah," he replied. "Some people commit suicide."

I asked Nelson whether he put Walton at the center of the story because he thought he was dead. Nelson grunted his assent. I asked him why he didn't tell me the entire story was false after I discovered the card was a hoax. "It was embarrassing," he said. He never expressed any remorse. I asked him whether he thought he could beat the lie-detector test. "Yeah," he said. I dropped him off at the Day's Inn. I was glad to be rid of him.

When I decided to write up the story of my misadventures, I called Gramm's office to see whether the senator wanted to comment. "We'll take a pass," his press aide said. I could hardly blame them. •

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THE HARD QUESTIONS

Tolerating the tolerant

One classic dilemma liberal democracies face is whether to tolerate the intolerant. Should the Nazis be allowed to march in Skokie? Should toleration extend to hate groups such as the Ku Klux Klan whose aim is to promote intolerance? The recent flap over the Republican platform on abortion poses a novel version of this dilemma. At issue in the furor over Bob Dole's call for a "declaration of tolerance" toward pro-choice Republicans is whether to tolerate the tolerant.

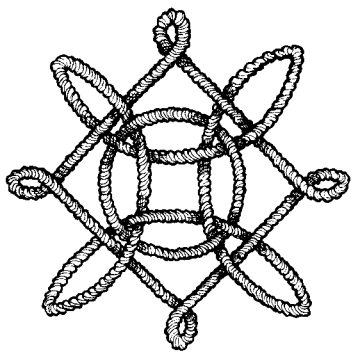
The easy answer seems to be yes, of course. Everyone praises toleration these days, and no one defends intolerance. When anti-abortion forces criticized Dole's attempt to welcome pro-choice Republicans to the party, Dole replied, "If you're not tolerant, then you're intolerant, and I don't know anybody who wants to stand up and say, 'Well, I'm intolerant. . . .' "

But toleration is not always a virtue. While no one issues declarations of intolerance, anyone who stands for anything must be intolerant of something. One person's intolerance is another's principled moral stand. Civil rights activists refused to tolerate segregated lunch counters and passed laws to prohibit them. Anti-abortion activists, believing the fetus to be a person, are intolerant of abortion and favor a constitutional amendment to prohibit it. Dole shares their intolerance and wants it written into the Republican platform.

Abortion rights advocates find in Dole's position an apparent contradiction. How can he proclaim toleration a virtue, yet refuse to tolerate abortion? If, as Dole admits, abortion is a moral question on which people disagree, why not let each woman decide the question for herself? Why insist that the federal government impose on some the moral convictions of others?

Dole might reply that he is simply trying to hold his party together as best he can on a divisive issue. He endorsed the anti-abortion plank to please the religious right, then issued a declaration of tolerance to attract moderates, especially women. According to this reply, toleration is a purely practical concession of no moral significance. It simply means that Dole welcomes the votes of those who disagree with him. (What politician does not?) Speaking of pro-choice Republican women, Dole asked, "Am I to tell those women they can't support me because Gary Bauer doesn't like it? Give me a break!"

But even Dole, pragmatic politician though he is, means something more by toleration, something loftier. (Unless he did, his declaration probably would not serve the practical purpose of attracting pro-choice voters.) Pro-choice Republicans should be tolerated, Dole maintains, not only in the sense that their votes should be welcomed but also in the sense that their views should be treated with respect. "We can't agree on every issue in this party," Dole stated, "and we ought to respect the views of others." Unlike issues such as term limits and trade, abortion is a moral issue that demands "a decent regard for the opinions of those who disagree." In practice, this "decent regard" essentially means he will allow convention speeches by Republicans who would tolerate abortion, such as New Jersey Governor Christine Todd Whitman and Massachusetts Governor William Weld. It also implies that Dole would consider a pro-choice running mate.



More than a matter of convention speeches, the notion that pro-choice views are worthy of respect carries the case for toleration to a higher moral plane. It recognizes the pro-choice stand as a morally legitimate position. This element of recognition is what rankles right-to-lifers. Patrick Buchanan denounces Dole for asserting a "moral equivalence between pro-life and pro-abortion" positions. "We must never tolerate the idea . . . that wrong is equal to right, that ideas that are morally objectionable should be accorded the same respect as ideas that are morally sound."

Buchanan overstates the case. Dole's toleration does not assert that the two positions are morally equivalent, only that pro-choice views are morally legitimate. But Buchanan has a point. Oddly enough, it is the same point made by abortion rights activists who fault Dole for failing to carry his toleration to its logical conclusion: if it is morally legitimate to believe that women should be free to have abortions, then it cannot also be the case that abortion is morally equivalent to murder. Or, to put the point another way, anyone who truly believed that abortion is tantamount to killing a child would not likely consider the pro-choice view to be morally legitimate.

Consider the analogies of smoking and slavery. Many Americans are now intolerant of smoking in public places, to such an extent that communities across the country have passed laws against it. But it is possible to favor smoking bans while at the same time acknowledging that those who disagree with such bans may have legitimate grounds for doing so. It is possible, in other words, to be intolerant toward smoking and still accord respect to those who would allow it.

With slavery, however, it is different. Given the grave moral wrong that slavery represents, it is difficult to separate toleration of the practice from toleration of those who would permit it. The abolitionists of the nineteenth century agitated against slavery and condemned those who acquiesced in its perpetuation. Stephen Douglas was among the acquiescent. In his celebrated debates with Abraham Lincoln, Douglas made the case for tolerating slavery. Given the intense disagreement over slavery, he argued, each territory should be left free to decide the question for itself. Lincoln disagreed. Although he was not an abolitionist, Lincoln argued that the federal government should treat slavery as a moral wrong, and prohibit its extension to the territories. Lincoln stopped short of calling for immediate emancipation, not because he regarded the pro-slavery view as morally legitimate, but because he hoped to preserve the Union and believed that if slavery were prevented from spreading, it would eventually die out in the South. Lincoln's platform offered no declaration of tolerance for proponents of slavery.

For those who believe, as the most recent Republican platform states, that the fetus is an unborn child with a right to life that cannot be infringed, the abortion issue is less like smoking than like slavery. If abortion is murder, those who would tolerate it are no more worthy of respect than those who would tolerate slavery. This is the instability at the heart of Dole's declaration of tolerance. If he really believes the fetus is a person, he should condemn those who would tolerate abortion. If not, he should not tolerate pro-choice Republicans but join them.

MICHAEL J. SANDEL

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BOOKS & The Arts

Stanley Kauffmann on Films

Nuggets, News, Enigma

Walter Murch is hardly known outside the film world, but to many filmmakers he is a greatly respected figure—to some, a bit of a guru. His standing is built on, and rises beyond, his work as a sound editor and a film editor. Among the films for which he edited the soundtracks are *The Conversation* and *Apocalypse Now*; and there's a fascinating interview with him in Vincent LoBrutto's *Sound-on-Film*. (LoBrutto says that Murch's work "led to the beginning of a new era in film sound.") But it's as a film editor that I've been chiefly aware of Murch and have heard most about him—editing on such films as *Julia*, *The Unbearable Lightness of Being* and *The Godfather III*. So when I saw his name on the cover of the latest issue of *Brick*, the Canadian literary journal, I turned to his article at once.

"Blink!," as the article is called, is about film editing, and after I had raced through it, I saw the note that it had been excerpted from Murch's recent book, **In the Blink of an Eye**. I hadn't heard of it; I got a copy quickly (Silman-James Press, 114 pp., $12.95 paper). It consists of the revised transcript of a long lecture that Murch gave in Australia in 1988. He has added an afterword on the advantages and risks of digital editing, but the prime of the book is the distillation of Murch's experience and insight.

The nuggets are numerous. Here he is on the subject of public previews, which he thinks are "tricky." He is "extremely suspicious" of those cards that audience members fill out as they leave:

> The most helpful thing of all is simply learning how *you* feel when the film is being shown to 600 people who have never seen it before. Emotionally it seems like some big hand has come and grabbed you by the hair, picked you up, and put you down 90 degrees to one side.... It's as if up to this moment you have been constructing a building but always standing in front of it to evaluate it. Now all of a sudden you are looking at the side of a building and seeing things you seem to have never seen before.

The central sections deal with his approaches to the cutting and splicing of film. The first approach is psychological:

> We [the audience] accept the cut because it resembles the way images are juxtaposed in our dreams. In fact, the abruptness of the cut may be one of the key determinants in actually *producing* the similarity between films and dreams. In the darkness of the theater, we say to ourselves, in effect, "This looks like reality, but it cannot be reality because it is so visually continuous, therefore it must be a dream."

The second approach merges the psychological with the physiological—the phenomenon of blinking:

> People will sometimes keep their eyes open for minutes at a time—at other times they will blink repeatedly—with many variations in between. The question then is, "What is causing them to blink?" ... The blink is either *something that helps an internal separation of thought to take place*, or it is *an involuntary reflex accompanying the mental separation that is taking place anyway ... And that blink will occur where a cut could have happened, had the conversation been filmed.* Not a frame earlier or later. [Italics in the original.]

I felt like one of the people who had watched Columbus stand the egg on end. Of course I knew that, now that I've learned it.

The monumental Soviet director Pudovkin said: "The foundation of film art is *editing*." In fact, this is the first sentence of the introduction to his book *Film Technique*. I don't know that Murch completely agrees, but the idea is certainly lurking in his head.

The Museum of Modern Art in New York, long a treasury of films and film information, has just opened the Celeste Bartos Film Preservation Center in Hamlin, Pennsylvania. The first point to note is its name: not just an archive and museum but an enterprise to save films. More than 13,000 films are in the center, with—something that is ludicrously lacking in many new library facilities—plenty of room for acquisitions. (Celeste Bartos, not incidentally, is the chair of the museum's Trustee Committee on Films.)

Next, the center is two hours by car from Manhattan, but it may not be necessary to go there. The computer network on which the collection is catalogued is linked to the computers at the museum. Others may want to know that the Hamlin center consists of two buildings on a thirty-eight-acre wooded estate, that the facilities include a conference room and a collection of posters, stills, books and production notes, plus a thousand videotapes.

FILMS WORTH SEEING

Cold Comfort Farm. *A witty and deft rendering of Stella Gibbons's 1932 novel. A breezy London miss is plunked down amid a well-meaning but woolly farm family. (Reviewed 5/27/96)* **The Horseman on the Roof.** *Derring-do, southern France, 1830s. A handsome Italian political refugee, a lovely French aristo. Done in beautiful Provence. (6/17/96)* **Human Rights Watch Film Festival.** *A series of forty-one films from fifteen countries, concerned with political and social troubles. If it comes to your area, do at least sample it. (7/1/96)* **Who Killed Pasolini?** *A finely made docudrama that investigates the still-unsolved murder of the Italian director in 1975—with strong suggestions that it was a fascist plot, not the murder of a gay man by a gay hooker. (7/1/96)* **—SK**

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In these economically stringent days, budgets for the humanities suffer first and most. The news of the Bartos Center brings a glow.

Film Clips. From Europe come two films that have been smash successes in their respective countries. Box-office receipts don't usually prompt much speculation, but these two hits do raise a question. Which of them is worse?

Maybe ... Maybe Not (LIVE Entertainment), a comedy from Germany, tells of a Cologne stud whose girlfriend throws him out when she discovers him, yet again, *in flagrante.* Then she learns that she's pregnant. She has already suspected him of involvement with a group of gay men; now when she seeks him out to marry her, her suspicions are heightened. Very few gay jokes are left untouched in the film, and even fewer heterosexual ones. The taste of the writer-director, Sönke Wortmann, ranges from copulation on a toilet, which produces a flush, to copulation in a brimming tub, which makes waves.

One pleasant word: Joachim Król, as the chief gay man, is reticent and affecting.

Another comedy, **The Visitors** (Miramax Zoë), is "France's highest grossing film ever," the grimmest news from that country since a drug store opened on the Champs Élysées. A twelfth-century knight and his squire are magically whisked ahead to present-day France. Anyone over the age of 10, and probably many who are younger, will then anticipate the gags about eating habits and personal hygiene, the stink of the knight's person and his comments on the so-called fresh air, polluted by cars. What might not be anticipated is the heavy directing of Jean-Marie Poiré, who cowrote the heavy script, and the frantically unfunny performances.

I still can't decide which film is worse. •

Robert Brustein on Theater

Shepard's Choice

Challenging the camera over a period of thirty years, Sam Shepard's face appears in sepia and black-and-white on the jackets of three newly issued books. The chiseled bones, the two deep furrows in his forehead, the uncombed mane and dimpled chin are physical constants. What the camera also reveals is how the acid of years and circumstance have etched radical mutations in Shepard's appearance. Something more than passing time is responsible for his transformation from the youthful hipster depicted in Bruce Weber's unposed photo for *The Unseen Hand and Other Plays*, to the engaging, rather shy young man of Weber's cover shot for *Simpatico*, to the unshaven, haggard, vaguely anguished figure in Brigitte Lacombe's portrait for *Cruising Paradise*, to the harrowing, glowering desperado in Richard Avedon's recent celebrity mug shot for *The New Yorker*. Avedon's black-bordered photograph shows the face and neck of its now middle-aged subject weathered by outdoor and indoor experience, his brow threatening, his mouth drooping at the edges with surly contempt. You can almost sense him tapping his foot, an unwilling subject, impatient to return to his horses and the open air, who doesn't know what in hell he's doing in a New York studio.

Why, he might be asking, is a man who prided himself on being a private, even reclusive writer now willing to cooperate with this cosmopolitan world of hype and fashion? Once a mysterious presence behind a wealth of cryptic plays, today he finds himself a highly publicized celebrity, not through his theater work, which never managed to draw a mainstream public, but largely as a result of screen appearances, beginning with *The Right Stuff*, which brought him momentary fame as the new Gary Cooper. It is true that Shepard's movie roles have been occasional, even desultory lately, and that the once-prolific dramatist has only produced three plays in more than a decade. Yet, we are told, this will be Shepard's jubilee year. He has just enjoyed his first Broadway premiere—a revised version of the 1979 Pulitzer Prize-winning play **Buried Child** in the splendid Steppenwolf production (which will soon be closing). The Signature Theatre will stage a series of Shepard works next year off-Broadway, some old, some revised, some newly written. And Knopf and Vintage are issuing a series of Shepard volumes, the latest among them a collection of "tales" called *Cruising Paradise.*

Reading *Cruising Paradise* after seeing

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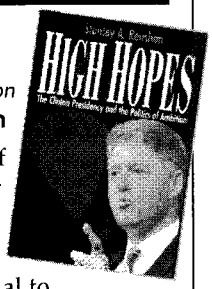

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Buried Child (Brooks Atkinson Theatre) reinforces the impression that Shepard's writing is becoming increasingly autobiographical, if not self-absorbed. By common consent his masterpiece, *Buried Child* was the beginning of a relatively new phase in Shepard's work. Not long before he was discovered by Hollywood, he turned away from the rock-and-rolling hallucinogenics of *Tooth of Crime* and *The Unseen Hand* ("impulsive chronicles," as he now calls them, "representing a chaotic, subjective world") to compose domestic plays in a relatively realistic style. It was around the same time that this itinerant road warrior settled into domesticity with Jessica Lange and permitted the studios to replace his broken front tooth. What was jagged and chaotic and parentless in the Shepard persona was now turning familiar and familial.

Indeed, *Cruising Paradise* suggests that the characters depicted in *Buried Child* (and other plays of the period: *Curse of the Starving Class, A Lie of the Mind, Simpatico*) bear a family resemblance to Shepard's own ancestors. As a matter of fact, a few *Buried Child* character names—Dodge, Vinnie, Ansel—are mentioned (though in different guises) in these brief stories, along with the weird names of some recurrent Shepard locales (Azusa, Cucamonga).

The name of Dodge, a cantankerous drunkard in *Buried Child*, reappears in the stories as his great-great-great-grandfather, Lemuel Dodge, who lost an ear fighting for the North and an arm fighting for the South. (These amputated parts may have inspired Bradley's prosthetic leg in *Buried Child.*) But Dodge, the dramatic character, is probably much closer to Shepard's own father, whose bourbon-soaked presence dominates the first half of *Cruising Paradise.* In "The Self-Made Man," Shepard remembers his father as a World War II fighter pilot in a silk scarf, who mournfully concluded that "aloneness was a fact of nature." In "The Real Gabby Hayes," he recalls him as man who loved the open desert and loaded guns, two passions inherited by his son. In "A Small Circle of Friends," he describes the way his father gradually estranged all his close companions as a result of his drinking bouts and temper tantrums. At one point, he attacked a man he suspected of having an affair with his wife, smashing his face on his raised knee and splitting his nose. And in "See You In My Dreams," Shepard recounts (in an episode recapitulated in *A Lie of the Mind*) how his father was run over by a car in Bernalillo after a three-day binge of fighting, fishing and drinking with a Mexican woman. His son buried his ashes in a plain pine box in Santa Fe's National Cemetery, feeling "a terrible knotted grief that couldn't find expression."

Most of these stories, like many of his plays, take place in motor courts—Shepard may be the most inveterate chronicler of motel culture since Nabokov made Humbert Humbert chase Lolita through the back lots of America. (Both writers recognize that nothing better suggests the bleak rootlessness of American life than a rented room.) In one of the stories—"Hail From Nowhere"—a man (the author?) is looking for his wife in a motel room, and discovers that she has abandoned him. He can't remember what they fought about, but in a companion piece, "Just Space," the woman describes him to her mother as someone who "carries guns" and tried to shoot her. I was reminded of a time when Shepard, having driven to Boston with a brace of shotguns in his trunk, threatened to use them on a *Herald* photographer who was stalking him and Jessica Lange through the streets of Beacon Hill. Rage, alcohol and a profound respect and awe for trackless nature—these constitute the basic Shepard inheritances.

They also constitute the essence of *Buried Child.* Set in central Illinois in 1978, the play is about an alcoholic couch potato (Dodge), his hectoring unfaithful wife (Halie), two dysfunctional sons (the half-wit Tilden and the sadistic amputee Bradley), a grandson (Vince) and his girlfriend (Shelly). Some past nastiness is afflicting this family, a secret that is gradually exhumed (along with the child) in Ibsenite fashion: Halie has borne a baby out of wedlock by her own son, Tilden.

Shepard monitors this story through strong and violent metaphors. At the end of the first act, Bradley cuts his father's hair until his scalp bleeds, and, at the close of the second, thrusts his fingers into Shelly's mouth in a gesture equivalent to rape. When Vince returns to the family, no one recognizes him. He responds by drinking himself into a stupor with his grandfather's whiskey. By the end of the play, Dodge has quietly expired, Vince has inherited his house, and Tilden—who earlier carried corn and carrots to dump them into Dodge's lap in some vague vegetative rite—enters with the decaying remains of the child who was buried in the garden. It is a remarkable moment, contrasting fertility and drought, invoking the lost innocence and failed expectations not just of a family but of an entire nation. *Buried Child* reverberates with echoes of *The Waste Land, Tobacco Road, Of Mice and Men,* even *Long Day's Journey Into Night,* but it is at the same time an entirely original Shepard concoction.

And the production that director Gary Sinise has fashioned with his Chicago company is a corker—easily the finest staging of a Shepard work I have ever seen. Robert Brill's vast set is composed of an endless staircase ascending to nowhere and wooden slatted walls decorated with the head of a lopsided moose that seems to be as drunk as the owner. The accomplished cast fills this space entirely, investing this dark gothic concerto of a play with elaborate comic cadenzas. James Gammon, a quintessential Shepard actor, is especially powerful as Dodge, rasping his part as if he were swallowing razor blades. Leo Burmester as Bradley drags his leg along the floor like Walter Slezak stalking John Garfield in *The Fallen Sparrow.* Terry Kinney plays the lobotomized Tilden in filthy boots and trousers, as if he had just been plucked from the earth himself. And Lois Smith is an eerie, frenzied, nattering Halie.

While *Buried Child* uses the family as a commentary on an entire nation, *Cruising Paradise* is oddly insulated from anything but Shepard memories. In most of these stories, this is not a pressing problem. Whether told in first or third person, they are drenched in a powerful nostalgia. "I found myself lost in the past more often than not," Shepard writes in "The Devouring Lion," which may explain why he has chosen the reflectiveness of narrative rather than the immediacy of drama for evoking his family history: the short tale is the perfect medium for reminiscing about yourself and your ancestors.

It is not, however, an ideal medium for talking about your experiences as a movie star. And what weakens and finally enfeebles *Cruising Paradise* is the self-regarding, oddly conflicted nature of the final stories. Here, in a series of twelve impressionistic vignettes, mostly written on location in 1990 for a film he was shooting at the time, presumably Volker Schlondorff's *Voyager,* Shepard goes by train to California for an initial meeting with the German director, then by car to Mexico for the filming. "I'm an actor now," he writes. "I confess, I don't fly. I've been having some trouble landing jobs lately because of this not wanting to fly; plus, I refuse to live in L.A." He also doesn't own a fax machine or a word processor, and he won't do "press junkets."

During appointments with costume and makeup, he realizes that he is going to be thrown together with perfect strangers on a long shoot. This makes him want to "either run or puke." He gets in a hassle with an assistant to the director who, because of Shepard's fear of flying, is required to make arrangements for a special limo. These arrangements are complicated by Mexican border regulations and Shepard's taste in cars. "I don't need a limo. Just

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get me a Chevy," he remarks. The L.A. weather reminds him of murder, "the perfect weather to kill someone in." Passing some "very chic people" in the hotel, "sinking into paisley, overstuffed sofas, reaching for silver trays full of cashews and almonds," he again thinks of murder. He remembers what Céline said in his very last interview: "I just want to be left alone."

Since he won't fly, or use technology, or engage himself socially, Shepard manages to create as much trouble for the studio as the most demanding star. He harasses his Austrian driver because he insists on wearing a tux while driving through the desert. He feels alienated from the director when, sick with "*la turista*," he cries over a lost love ("I barely know the man"). In short, he behaves like a royal pain in the ass.

He arrives in Mexico finally after a series of harrowing adventures. The limo is stopped and stripped by some narcs looking for drugs. Shepard can only get a work permit by lying to a female bureaucrat, telling her he's Spencer Tracy. "I'm not an actor. I'm a criminal," he muses. "Maybe there is some inherent crime attached to pretending." These last stories contain some finely observed paragraphs about the Mexican landscape, the local villages and the Indian extras, but the very act of writing them while acting in a movie suggests the effort to maintain a literary identity.

Shepard knows that there is something inherently contradictory about his twin careers. It is a little jarring to find a man noted for his reserve and taciturnity talking about "this scene I'm playing now," about having "no idea whatsoever how to play this character." He has elected to follow the career of a public personality without sacrificing his privacy as an artist. This is not an easy choice. The face in the Avedon portrait suggests it's a choice that is tearing him apart. •

Over the Rainbow

BY EUGENE D. GENOVESE

Jesse: The Life and Pilgrimage of Jesse Jackson by Marshall Frady

(Random House, 552 pp., $28.50)

"My values come out of a conservative Christian orientation. Probably surprise a lot of people to know I think that way, but it's what I really believe, deep down in my soul." Thus spoke Jesse Jackson. And more specifically: "Parents and teachers got to be in it together. If the teacher assigns homework, parents must have the child at home to *do* the homework. Report card time, you must go *to* the school and pick up that report card. Four times a year. I mean, *pick it up*!" But what of parents who have to be out to work? "My mother would tell my teachers, 'Now, if I miss PTA meetings sometimes because I'm working at a job, I'll see you at church on Sunday.' What it was, see, was a transfer of moral authority from my mother to that teacher. And the teacher had *earned* that authority by the way she behaved with my mother at church." Community control of schools is all well and good, "but the community control movement never did seriously address the problem of control of the students by their parents." Most people, Jackson observed, want moral authority, and that will have to come from home and church.

Many Americans seem to have a Jesse Jackson problem similar to my own. I have never trusted him, I have never voted for him, and more than once I have spoken of him harshly. So why is he the only active American politician who can lift me out of my seat and force me to fight back tears?

Marshall Frady's book helps to answer that question. Frady is a self-described white Southern liberal whose books include an illuminating study of George Wallace and his supporters, a useful biography of Billy Graham and an arresting collection of sketches titled *Southerners*. He now offers an informative, thoughtful, sympathetic yet critical biography of Jesse Jackson, to whom he has had long-standing access.

Jackson was born in 1941 in Greenville, South Carolina. He had a strong, loving mother, and a grandmother perhaps even stronger. Whatever travail accompanied working-class black life in segregated South Carolina, he emerged from a solid family and from a Southern community in which adults looked out for each other's children. His one great lack was a resident biological father, though he did have a caring step-father. Jackson's father was a well-to-do, respected married man, whose relations with young Jesse were more than usually complicated, even tortured. Like other biographers, Frady makes a great deal of Jackson's lifelong sense of deprivation. Martin Luther King Jr. and Andrew Young, among others, attributed to Jackson a lifelong internal struggle to prove himself to the father whom he felt had abandoned him. Frady promotes Jackson's obsession with his father into a prime source of his authoritarianism, his adoration of King, his assorted peccadilloes and much else. Plausible enough, but too speculative for my taste, especially since it goes against the grain of Jackson's own political temperament: Jackson has always insisted that, no matter what the circumstances or excuses, every man must assume personal responsibility for who he is and what he does.

Frady ably recounts Jackson's political career—his relations with King, who provided a model and whose mantle he claimed; his stormy relation to the civil rights establishment, especially after King's death; his international interventions; his tense relation to black politicians; his presidential campaigns. Frady takes Jackson's religion seriously, and in this way he provides a strong antidote to the glibness that would reduce the preacher to the politician. Unfortunately, Frady takes religious sensibility and religious activity more seriously than he takes religious ideas. Jesse Jackson does not claim to be a theologian, and we may appreciate Frady's difficulty in teasing out the theology that underlies his message; but the acutely intelligent Jackson is no mere exhorter. He is hardly indifferent to the deepest implications of his preaching. As he would be the first to insist, Jackson's politics cannot be severed from his ideas about God and His Law. It is one of the great ironies about this indefatigable critic of the "religious right" that the essence of his message, too, is simultaneously religious and political.

Jackson famously smarts under the taunts that he could not handle the national budget or foreign affairs. He usually puts these taunts down to racism, though he might reflect on the significance of the similarly malicious nonsense, to which he himself has contributed, that Clarence Thomas is incapable of serious legal reasoning. The issue is not Jackson's intellectual ability, but his intellectual responsibility. He pronounces on economics and foreign policy without giving evidence of serious

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study. Ed Koch told the truth when he charged that Jackson's proposed national budget would lead to national bankruptcy, and Jackson's inattention to business deeply embarrassed his principal organization, PUSH-Excel, when federal auditors went over its books. There is a basis in reality for the oft-repeated wisecrack that the only thing Jesse can run is his mouth.

Jackson's defenders retort that he is a man with the special gift of raising people out of despair and lethargy and toward constructive action. Jackson himself makes an analogy to Billy Graham, a great evangelist who calls people to repentance and directs them to local churches and ministers for succor in their day-to-day struggles. Fair enough. But Billy Graham never aspired to be president and to run the country, which is just as well.

No American politician can match Jackson's ability to move people, to charm and to cajole the powerful, and to manipulate the media. To be sure, Jackson's "negotiations" with white businessmen have had the faint smell of a protection racket. Hard-nosed CEOs whine that Jackson drives them crazy by turning negotiations into veritable prayer meetings. How do you respond to such a man? Well, they cave, and not only because they have no religious ground of their own from which to repel his sometimes unreasonable demands. They cave because his demands speak, more often than not, for an end to discriminatory policies that should have ended long ago.

Frady argues forcefully that Jackson has never reconciled his calling as a spiritual reformer with his calling as a political leader. When Jackson took his presidential plunge in 1988, he spoke of it as a "product of God's mission for me," of "redemptive suffering," of "national defense through just loving your neighbors," of "governing by Jesus' Great Commission." William Jennings Bryan spoke in the same spirit, but he lost his three bids for the presidency. Frady observes that "precisely in that incongruity lay one of the hazards of entering into a presidential candidacy to define himself an apostle to the national conscience. In seeking to translate an essentially religious social militancy, coming directly out of King's radical moral vision, into the earthy commerce of politics, Jackson was essaying a dubious transfer between two probably fundamentally alien mediums—endeavoring to move matters of the spirit into the machineries of Caesar, as it were."

Frady does not follow this fine observation with an inquiry into the content of Jackson's religion. In many respects the most prominent black theologians and preachers of our day espouse a Christian orthodoxy that has been disappearing from the declining "mainstream" white Protestant churches, but in other ways they seem imprisoned in a liberal theology that otherwise they reject. The "black spirituality" to which Jackson appeals has the great merit of restoring sin to Protestant discourse, from which it has been disappearing, and of recalling the Old Testament's God of Wrath, who gave the Law that Jesus came to fulfill. But the sins in question usually turn out to be racism, sexism and social oppression—a tiresome left-wing gambit that makes sin virtually a monopoly of white heterosexual males. When poor people, blacks, women or homosexuals slip into antisocial behavior of an incontrovertibly sinful sort, they are allegedly only manifesting their victimization by an oppressive society.

Often Jackson comes perilously close to echoing the egregious pronouncement of James Cone, the most celebrated of current black theologians, who teaches that, to be a Christian, one must give up one's "whiteness." Apologists tell us not to take such words literally; but imagine the reaction if whites spoke about black religion in this way. More dangerous yet, Jackson panders to Louis Farrakhan in a manner that exposes the character of this black spirituality more clearly than any sermon or theological discourse. Farrakhan, remember, is not merely a racist and an anti-Semite. He is also, if words have any meaning, a homegrown American Nazi. Ah, but it is the message that counts, not the messenger, and besides, Farrakhan says and does some good things: those who make these apologies seem not to know, or to care to know, that they have been made about most of the great demagogues and tyrants of this century.

When critics call upon Jackson to break with Farrakhan or other unsavory characters, he replies that he believes in redemption. This shows him at his best and his worst. After all, redemption follows confession and atonement. In this instance, however, neither confession nor atonement is in sight. Jackson's concern for the redemption of others is politically selective in the extreme. Speaking at the Democratic convention in 1992, he compared Dan Quayle to King Herod, the slayer of children. Quayle protested that "this was the most grotesquely offensive, below-the-belt piece of rhetoric I can recall being directed my way in sixteen years of politics, and the media's double standard allowed Jackson's slur to pass with hardly a murmur.... Although they would portray the Republicans' convention as hate-mongering, Jesse Jackson's speech was more full of hate and fear than all the Republican speeches combined." Quayle exaggerated, but he had a point. And how could a decent man such as Jesse Jackson snarl at George Bush's criticism of the ACLU: "When you attack lovers of civil liberties and freedom, Mr. Bush, you are in the tradition of Herod, and Hoover, and Hitler"? But here we are: Moses and Jesus are liberals and just about all conservatives are Herods, Pilates and Neros.

This, from the good-spirited man who twice went to Alabama to comfort a suffering and grateful George Wallace; who called for receiving the veterans of the Gulf war with the love and the respect that they deserved; who spoke out for exploited Southern women factory workers when few others would, protesting their miserable wages, lack of health insurance, exposure to appalling working conditions and safety hazards; who, visiting Armenia in 1989 to help allay terrible suffering, touched people's hearts, making them feel that the world was not abandoning them; who has given voice to the pain of the poor and dispossessed as no other American public figure has.

Even some of Jackson's admirers accuse him of gross insensitivity, of loving people more in the mass than individually. King, who admired but worried about Jackson, feared that "he just simply does not know how to love." Jackson's friends pay tribute to his warmth and his generosity, but they also speak darkly of his ruthlessness toward those whom he thinks have betrayed him. These traits are common, and even forgivable, in politicians—but not in preachers who lead their congregations in the Lord's Prayer.

By all accounts Jackson is a pious man who regularly prays and reads his Bible. How then, in cases documented by Frady, can Jackson bring himself to distort Scripture to suit his political purposes? (Jackson cries out, "Jesus, Martin Luther King—all stones the builders first rejected. A rejected stone like me could very well become the cornerstone of our global policy.") According to Frady, Jackson's friends, confronted with such outbursts, worry about his creeping megalomania. They might worry just as much about his creeping blasphemy. Replying to criticism of his personal indiscretions, Jackson said that "when the Bible says Jesus went about doing good, didn't say *being* good. Said *doing* good."

The descriptions of Jackson's religious services at PUSH headquarters and else-

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where make them appear to be little more than political rallies. It is important to remember, though, that all churches, including those most committed to the doctrine of abstention from politics, cannot avoid some degree of political engagement; and the black churches have always plunged into politics more often and more deeply than even the most politicized of the white churches. It all turns on the distinction between what is Caesar's and what is God's, and often the suspicion arises that Jackson does not accept, or understand, that distinction. The same may be said, of course, about certain "conservative" preachers—it suffices to recall the dishonest attempts to find biblical grounding for racial segregation—but a serious figure such as Jackson cannot afford to resort to the game of gotcha and the retort that "you're another."

It is not surprising that Frady fudges these issues. His own religious views remain as fuzzy as they appeared in his earlier books. The son of a Baptist preacher, he speaks as a believer who is not sure of what he believes. In consequence, he treats us to propositions that make hash of the relation of the City of God to the City of Man. On the first page of his foreword he invites readers to read no further: the arrival of the first black slave constituted America's "ultimate undoing"; whites "continue to be entailed in the lasting consequences of that original great Cain-Act." This apocalyptic pseudotheology may pass for heavy thinking among liberals, but it makes little sense and invites much mischief.

In politics as in religion, Jackson has been less candid than he seems to think. He identifies as critical to the survival of the black community and of American society the restoration of the two-parent family and household, belief in God and assent to His law, respect and support for the churches, a sense of individual responsibility. And simultaneously he binds himself to a morally and intellectually spent left that hardly bothers to disguise its hostility to everything that he professes in his finest moments.

Jackson has defined abortion as preeminently a moral issue, reluctantly supporting it in special cases but resolutely condemning it as a matter of "convenience or keeping your situation from getting messed up." If he no longer agrees with the pro-life movement that abortion is a moral evil or a sin, he ought to explain in detail the grounds for his change of mind. And when he calls for measures to strengthen the family, from moral suasion to tax policies, he clearly means the two-parent, heterosexual family, which, as he well knows, is the only

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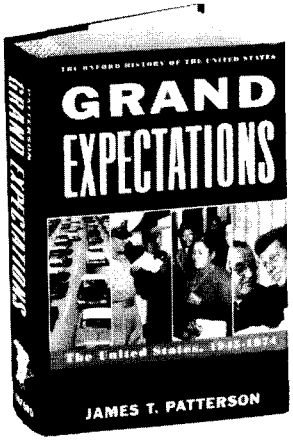

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kind of family that can anchor the values to which he subscribes. He acknowledges that such a project depends heavily on the strengthening of the churches, but he clings to a left-wing political movement that labors mightily to drive them out of the schools and public life. And he embraces a feminism that includes in its ranks persons who denounce the two-parent heterosexual family as the cradle of the state, which they view as an organ of social oppression. Like the Clintons, Jackson had not an objection to make.

Bill Clinton eschews "family values" but "values families." I cannot imagine Jesse Jackson's peddling such hypocrisy and moral degeneracy. Jackson may feel trapped by the filth that is regularly poured upon him and his wife. Even Frady treats us to a long discussion of the private life of Jesse and Jacqueline Jackson. As usual, it derives largely from gossip, buttressed by some ill-considered responses to questions that never should have been asked. If a man runs for president, he should have to provide assurances about his personal deportment, but do we really need to know more than the essentials? The Jacksons married in college, raised five admirable children, remained a family during more than thirty years in which families have been dissolving at a dizzying rate, and have stood by each other through thick and thin. What else do we need to know? Jesse Jackson can answer the personal questions, the moral questions, with more truth than most politicians—with more truth, certainly, than Bill Clinton.

Jackson's conflation of religious and political roles surfaces with special force in his views on, and personal interventions in, foreign affairs. Even the most sympathetic observers agree that Jackson's embrace of Yasir Arafat, more than anything else, destroyed the promising prospects for his movement, PUSH-Excel, in one city after another. As might be expected, Jews reacted most sharply and developed a suspicion that was reinforced by Jackson's crack about "Hymietown." But sympathy for Israel, disgust with Arab terrorism and a sober sense of geopolitical exigencies resulted in no less harsh a reaction from non-Jews, and in truth Jackson has never recovered. Americans might agree that Jackson is not an anti-Semite or forgive him for an anti-Semitism that he has repented; this is the same man, after all, who negotiated the emigration of Soviet Jews when the State Department could not or would not. But Americans, Jews or no, are right to retain an abiding fear that he acts irresponsibly in international politics.

When Jackson ran for president he had little to offer beyond the blather of a left that never has had a foreign policy worthy of respect: unilateral suspension of nuclear weapons production; a 20 percent cut in spending on defense and a commensurate increase in spending on public works and education. And while he called for support for an independent Palestinian state and stern measures against South Africa, he called for greater restraint in foreign interventions with no coherent explanation for the contradiction. He enjoyed meandering into foreign affairs in a way that seemed to say that a well-meaning individual has a right, a duty, to usurp the office of Secretary of State. And of course he loved the publicity.

He created messes. He appalled Queen Beatrix of the Netherlands and President Mitterrand of France when, after confidential talks, he coolly informed the world of remarks they made for his ears only. Among the Palestinians he made a speech to a wildly cheering crowd only to learn that his translator, a member of Hamas, was making him deliver an opposite message. He drew gasps when he suggested, in the wake of his successful trip to obtain the release of the American flyer whom Syria held captive, that he had prevailed upon the wily and cynical Hafez al-Assad with a moral appeal. Ronald Reagan, smarting under the embarrassment of Jackson's succeeding where his State Department had failed, had the grace to invite Jackson to the Rose Garden, where he uttered a classic Reaganism: "You don't quarrel with success." Jackson was less gracious; he snatched the microphone from the hands of the president and made a speech. Jackson justly claims that he performs feats that officials cannot, but a country cannot conduct any kind of rational foreign policy if it allows self-anointed private citizens to negotiate on its behalf.

Despite it all, Jackson's political accomplishments have been formidable, earning him the right to claim that his mobilization of black voters has kept the Democratic Party afloat in much of the country. Within the party, he racked up 3.5 million votes in the primaries in 1984 and twice that four years later. His totals in 1988 included 12 percent of the white vote. He went to the Atlanta convention with 1,200 delegates, almost a third of the total. Any white politician would have expected a serious consideration for the vice presidency, but Jackson was denied. He therefore had reason to conclude that he was being slighted because of his race, and he was understandably angered by the treatment he received from Walter Mondale, Michael Dukakis and the party leaders.

But he read too much "racism" into it. His turn to the far left threatened their electoral prospects, and no party establishment readily welcomes an outsider who makes his own bid for power. And yet Jackson read Mondale and Dukakis right when he concluded that they were shallow. We must be grateful to Jackson also for saying what needs to be said about Clinton: "There's *nothin'* he won't do. He's immune to shame. Move past all the nice posturing and get really down there in him, you find absolutely nothing ... nothing but an appetite."

Jackson's course to the left followed that of his model, Martin Luther King Jr. In the wake of the failure of King's campaign to integrate Chicago and to lift its blacks out of poverty, and as he was growing more troubled by the war in Vietnam, King turned to a Poor People's Campaign that called for radical national renovation. Its program, which included the nationalization of many industries and services, a multi-billion dollar Marshall Plan for the cities, and a guaranteed minimum income for every household (to be paid for only God knows how) reflected nothing so much as the spirit of the radical left of the 1930s.

Many things prompted Jackson's turn to the left, including pressure from his "natural constituency," the "base" that he, like every sensible politician, must not stray from. But has a push to the left really come from the black poor? Or has it come from another constituency, the black pseudo-bourgeoisie of the entertainment industry, the campuses and especially the governmental bureaucracies that live off people who are made wards of the state, who ostensibly need a dole and an army of "experts" to care for them?

Jackson used to be more flexible, more tolerant, more realistic. In Illinois years ago, he maneuvered skillfully to keep his options open, lending strong support to Senator Charles Percy and Governor Richard Ogilvie, both Republicans. In the 1970s he opened the door to the Republican Party and the emerging conservative movement. William Buckley praised Jackson's call to black youth to reject a cult of victimization and to assume personal responsibility for their lives. William Brock, the Republican national chairman who was trying to pick up the pieces after Watergate, made an effort to respond, and the American Enterprise Institute arranged a fascinating discussion with Jackson. (It was published by AEI in 1978 as *Conversation with the Reverend Jesse Jackson.*) Jackson declared that bottom-level jobs are better than no jobs at all, and he called for a national economic policy that would pro-

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tect American workers against "the slave labor forces of totalitarian regimes." He observed tellingly that "the notion that the minimum wage ought to be raised served a few people well, but not black teenagers."

Jackson's relations with the right have since gone badly, and the fault is not entirely his own. The Republicans and the conservative movement may have decided they could not deal with Jackson, but what explains their failure to find alternatives? Liberals and leftists demagogically charge that the main elements of the right are "racists" who wish to reverse the advances made by blacks since the 1960s. We have here a marvelous parlor game. Right-wing politicians are denounced as racists on the grounds that, whatever their intentions, their policies produce results harmful to blacks. Never mind that this conflation of subjective intent with objective outcome rests squarely on a doctrine most eloquently expounded by the late Comrade Stalin. What are we to say of left-wing politicians, whose own programs have had catastrophic effects on the black poor? Should we not condemn them as flagrant racists? But let's not.

There are not many politicians in America more viscerally hostile to racism than William Bennett, Jack Kemp or Newt Gingrich. Still, they have painfully little to offer bleeding black ghettos. Go to almost any meeting of conservatives and bring up the travail of the black "underclass." The response is quick, concerned, pained, everything you might wish for. And the more avowedly Christian the audience, the more genuine the response. In a remarkable interview in the conservative Catholic journal *Crisis*, Ralph Reed recently told the free-marketeers not to deceive themselves: real Christians would never support economic policies that throw the poor on the scrapheap in the name of some upward-and-onward economic progress and middle-class affluence. But the harsher truth is that most right-wingers, when they repair to their comfortable homes and reflect on the crisis in the ghettos, quickly discern that they do not have the foggiest idea of what to do. And so they pour themselves a martini and think about less intractable matters.

The underlying problem constantly returns to the surface. The right staunchly opposes affirmative action, which has indeed emerged in part as a sewer of corruption that first and foremost has swindled the black poor; and few on the right wish to return to the bad old days or to reinstitute the discrimination that affirmative action was

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designed to end. Still, siren calls to the wonderful workings of a supposedly free market attract only the most rigid of ideologues. It is all well and good to propose enterprise zones, to call for investment in the ghettos, to encourage people to buy their own apartments and develop a stake in the rebuilding of shattered communities; but in the absence of the firm rule of law and order, only an imbecile could believe that such investments will succeed, that any sane person would live or invest where children are exposed to drugs, violence-ridden schools, drive-by shootings and much else. The right is reluctant to discuss such issues frankly, lest it appear racist and segregationist. The left responds with calls for welfare measures that deepen dependency, despair and moral unraveling, that justify ever-expanding bureaucracies which feed off the misery of those whose votes enhance the power of its preferred political party.

It is not at all clear that Jackson's "Marshall Plan for the Cities," even if it were economically feasible, offers anything better. Still, buried in Jackson's zig-zags lies an idea and a program that neither he nor his left-wing allies have discussed frankly. Jackson has absorbed a good deal of the perspective of black nationalism, which need not be the same thing as black separatism. He has grasped the historical and practical justification for a wide swathe of black autonomy within the larger American nation. He emerged as a leader in Chicago with Operation Breadbasket, which encouraged black economic self-reliance through "buy black" measures pioneered by the black nationalists.

By opting for a "rainbow coalition," however, he folded the politics of black self-reliance into the purported general crisis of an allegedly racist, sexist, homophobic, patriarchal society. Step-by-step, this tactic has led Jackson to support the left's program for the Balkanization of the American nation, which in some instances has issued in the insidious idea that the United States does not really possess a national culture worthy of respect. No wonder that many Americans are concluding that the black political movement constitutes the cutting-edge of an assault on their very being. In these circumstances, it is essential to understand that a case can be justly made for a measure of black autonomy that cannot be made with the same justice for any other group in America. The attempt to subsume that case in a broad program of "multicultural diversity" may be tactically effective for the moment, especially on our deranged campuses, but it is doomed to fail, and deservedly. Jesse Jackson continues to promote a rhetoric that obscures this critical issue and plays into the hands of America-bashing nihilists.

"I am not a perfect servant," Jackson said in one of his most memorable speeches. "I am a public servant, doing my best against the odds. As I develop and serve, be patient. *God is not finished with me yet!*" We may be confident that God is not finished yet with this extraordinarily gifted man, but we have reason to fear that he is finishing himself.

EUGENE D. GENOVESE is the author most recently of *The Southern Front: History and Politics in the Cultural War* (University of Missouri Press).

Whatever Lola Wanted

BY FREDERICK BROWN

Lola Montez: A Life by Bruce Seymour

(Yale University Press, 468 pp., $30)

In nineteenth-century legends of social mobility, the self-invented woman who used her sexual allure to rise above humble origins was as conspicuous as the self-made man who pulled himself up from the working class with entrepreneurial vigor. Paris during the Second Empire offered her a most hospitable arena. Courtesans, many of them sporting bogus nobiliary particles, abounded on the boulevard, where well-heeled suitors, including old-line aristocrats, were easy prey, and a substantial literature came to recount their exploits. Blanche d'Antigny, Valtesse de la Vigne, Anna Deslions and Delphine de Lizy, all of whom modeled for Zola's Nana, fit this description. But the century's most famous adventuress, Lola Montez, merely passed through Paris, in a career that began in 1820 with her illegitimate birth in southern Ireland, saw her queen over Bavaria as Ludwig I's mistress, and ended penitently, after forty-one years of almost constant vagabondage, with last rites administered to her in a boarding house in New York. Her oft-told life is told again, and well told, in a new biography by Bruce Seymour.

Her real name was Eliza Gilbert. Fathered on a 14-year-old milliner's assistant by Edward Gilbert, a young, well-born officer in the British force policing County Cork, she was trundled all over Ireland until age 3. In 1823 Gilbert, who had done the honorable thing and married his daughter's child-mother (also named Eliza), volunteered for service with a foot regiment in India. The family departed England on March 14, and after four months at sea they reached Calcutta, from which river boats ferried new arrivals to a garrison near Patna, several hundred miles inland. Poor Gilbert never made it. During that steamy voyage up the Ganges he died of cholera, leaving his Elizas marooned.

Unable to afford either passage home or life abroad, Mrs. Gilbert needed another husband, and she soon acquired one in Lieutenant Patrick Craigie, a handsome Scot whose administrative talents had already earned him special commendation. For the widow this marriage spelled respectability, but respectability—as the daughter bitterly observed in her memoirs many years later—did not advance the cause of motherhood. One acquaintance likened Mrs. Craigie to "a tortoise who buries her eggs lightly in the sand, and leaves them to sun, and to chance." While one Eliza embraced the social life of English expatriates in Calcutta, the other, at once pampered and neglected, ran wild. Her feet were always bare. Her mouth was dyed bright red from chewing betel. Her mind was entranced by the spectacle that greeted her at the river Hooghly, in which she bathed twice a day. Of books and manners she knew nothing, and her mother hardly noticed.

Eliza's undisciplined existence ended when she turned 6. British officers employed by the East India Company usually sent their children home for schooling, and Craigie, an affable man who saw nothing cruel or ruthless in this convention, arranged to have the girl join his parents at Montrose, south of Aberdeen on the North Sea. Much is surmised about her residence there, but little is known for certain, apart from Lola Montez's own memory of being regarded as exotic and of exploiting everyone's curiosity about "the little East Indian" to cut a public figure with "assumed airs

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and customs." After five years at Montrose, Eliza moved from Scotland to England in the entourage of a step-aunt and -uncle who founded a boarding school near Durham. It is to the art teacher at Monkwearmouth that we owe an especially telling portrait of the future siren:

> Eliza Gilbert ... was at that time a very elegant and beautiful child of about ten or (perhaps) eleven; of stature rather promising to be tall than actually such for her age, but symmetrically formed, with a flowing graceful carriage, the charm of which was only lessened by an air of confident self-complacency—I might almost say of haughty ease—in full accordance with the habitual expression of her else beautiful countenance, namely, that of indomitable self-will—a quality which I believe had manifested itself from early infancy. Her features were regular, but capable of great and rapid changes of expression. Her complexion was orientally dark, but transparently clear, her eyes were of deep blue, and, as I distinctly remember, of excessive beauty, although bright with less indication of the gentle and tender affections of her sex than of more stormy and passionate excitements. The mouth, too, had a singularly set character, far more allied to the determined than the voluptuous, and, altogether it was impossible to look at her for many minutes without feeling convinced that she was made up of very wayward and troublesome elements. The violence and obstinacy, indeed, of her temper gave too frequent cause of painful anxiety to her good kind aunt.

Already obvious, along with her bizarre combination of seductiveness and machismo, was the blind rage that would have made her a chronic duelist later in life had she been eligible for challenges on the field of honor.

Wanting total freedom yet inviting solitary confinement, Eliza had no sooner turned Monkwearmouth upside down with her shenanigans than Craigie placed her in the Aldridge Academy at Bath, a boarding school chartered to educate young gentlewomen. During the five years she spent there, Eliza, who now styled herself Eliza Rosana Gilbert, blossomed physically and intellectually. The curriculum—an unusual one for young women—included French and Latin as well as dancing, sewing, drawing and piano. Indeed, students spoke French rather than English (except on Sundays), and although Eliza never learned to speak it idiomatically, it was under these quasi-hermetic circumstances that the idea of losing herself in a foreign persona must have taken hold.

In 1837, Mrs. Craigie descended upon Eliza, whom she had not seen since 1826, as if to remind her beautiful 17-year-old daughter that there were worse predicaments in life than growing up motherless. Eliza apparently drew this conclusion, for after several months of parental companionship, the young woman eloped to Ireland with one Thomas James, a 30-year-old lieutenant on sick leave from the East India Company who had visited Bath at Mrs. Craigie's behest. Eliza Rosana became Mrs. James in an Anglican ceremony at Rathbeggen, outside Dublin. With school days behind her, she proceeded to recapitulate the general itinerary of her childhood. The newlyweds spent some time in Ireland, first in County Wexford, where James senior, like many another English squire, had his estate; then in Dublin. In September 1838, they embarked for India. After a brief layover at Calcutta they sailed up the Ganges, past Gilbert's grave, to Thomas James's regiment 1,000 miles away, at Karnal near the Himalayan foothills.

Unlike her father, Eliza's husband did not perish en route, but by the time she reached Karnal her marriage was dead. It had been a victim of mutual incomprehension, of physical abuse, of mismatched temperaments, of excruciating boredom on land and at sea. And it was buried in the hot, wet Punjabi plain. After two or three seasons, during which she contracted malaria, Eliza sought asylum in Calcutta with her mother, who offered no sympathy. Given a choice between marital reconciliation and passage to Britain, where, supported by James, she would live under the roof of Craigie relatives, she chose the latter. In October 1840, Eliza left India for good.

As it turned out, she also left her past. Determined to escape from prison, or what felt like it, and to accomplish this escape not only geographically but by an unforgivable breach of moral comportment, she openly flirted during the long voyage with a glad-eyed aristocrat named George Lennox. Their shipboard romance continued ashore, despite entreaties from various relatives. Lennox squired her around fashionable London, and the smart set responded so favorably that when her lover gave her up, rich and titled swains were quick to console her. In due course word of her infidelities reached Lieutenant James, who sued for divorce.

Thrust upon her own resources, which were chiefly beauty, wit and immense charm, Eliza, hoping to earn her livelihood in theater, took acting lessons at a school founded by the great Frances Kelly of Drury Lane. There she received no encouragement, but Miss Kelly, or someone else, gave her fateful advice. "If she truly wanted a life in the theater," writes Seymour, "it was suggested to Mrs. James, dance might be the art form she should pursue." Eliza seized upon the suggestion and, Spanish dance being all the rage just then, engaged a Spanish dancing master. After four months she left London for Cadiz, to immerse herself in the study of her new discipline.

So well did Eliza immerse herself that less than one year later, when she returned speaking flawed Spanish, it was with a new identity as well as a pseudo-Iberian repertoire. Thenceforth she would bear the name Maria Dolores de Porris y Montez—Lola Montez, for short—and claim, against all doubters, to be the issue of a noble Spanish family ruined by the Carlist civil war which had recently torn Spain apart. (During this transforming absence from England, Mrs. Eliza James had been divorced in Consistory Court, denied the right to remarry in Thomas James's lifetime and shamed as an adulteress.)

Lola Montez's epiphany at Her Majesty's Theatre on June 3, 1843, between acts of *The Barber of Seville,* calls to mind Rousseau's début as a composer in Lausanne a century earlier. Completely ignorant of musical theory, the young Jean-Jacques nonetheless volunteered to write a piece for some local chamber group and then, with extravagant bravado, to lead the orchestra. He did this under an alias, using in slightly altered form the name of a musician he much admired, as if convinced that his theft, or impersonation, would magically render him proficient.

Unlike Rousseau, Lola Montez carried the day. She came on stage wearing a black lace mantilla, a tight black velvet bodice and a short skirt with brightly colored flounces. Afficionados of Spanish dance found her number meretricious, and balletomanes wanted ballet, but even they acknowledged that her stage presence was riveting. "Donna Montez is not a *dancer*, in the general acceptation of the word," wrote a critic for the *Evening Chronicle.* "Her dancing is little more than a gesture and an attitude, but every gesture and attitude seems to be the impulse of passion acting on the proud and haughty mind of a beautiful Spaniard; for she is exquisitely beautiful, in form and feature, realizing the images called up by ... Spanish romance." Later, another critic put it rather more bluntly: "Her beauty, of rare, voluptuous fullness, is beyond any criticism. Her dancing, however, was no dancing at all but a physical invitation. If it is said of Taglioni that she writes world history with her feet, so can it be said of Donna Montez that she writes Casanova's *Memoirs* with her whole body." In one remarkable appearance, at London's foremost theater, the dark-

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haired imposter had, as it were, made a name for herself.

Still, there was to be no second appearance at Her Majesty's Theatre, for several gentlemen with whom Lola had consorted as Eliza James revealed her true identity. When this unmasking became public knowledge, the impresario who had sponsored her lost interest. Lola swore by Lola in the press, but her intricate fiction fell on deaf ears, and she decided to try her luck on the continent, accepting an invitation from a Thuringian princeling whom she had entertained in London, Heinrich of Reuss-Lobenstein-Ebersdorf.

During the next few years Lola Montez danced in a whirligig that led her all around Europe, from Ebersdorf to Dresden, from Dresden to Berlin, from Berlin to Warsaw, St. Petersburg and Paris. Never without letters of introduction furnished by powerful men, she charmed impresarios who presided over important theaters, gilding her artistic credentials along the way. Seymour's vivid, circumstantial narrative shows how far a genius for self-promotion could carry someone decidedly short on talent. In that sense, it may stand as an exemplary tale of modern times. Lola took great pains to ingratiate herself with newspaper critics. She also seized every opportunity to penetrate court circles. Her success was breathtaking. King Friedrich Wilhelm IV of Prussia had her dance at the City Theater in Potsdam and again at Sans Souci, between acts of Donizetti's *The Daughter of the Regiment*, when Czar Nicholas I came visiting.

What took place off stage, however, did more for Lola's notoriety than even the Spider Dance, which she performed only two dozen times between 1843 and 1846. Her often obstreperous behavior made good copy. Wherever she went, scandal went with her, and minor fracases were regularly pictured by newspapers as great moments in the life of a woman beholden to no master, a social outlaw, a *monstre sacré*. One such incident occurred in 1843, during a military review at the parade ground outside Berlin. Thousands swarmed toward the Friedrichfeld, and their number included Lola, a fine equestrienne, who came on horseback unescorted. While attempting to enter the area reserved for members of the royal entourage, she whipped a gendarme who had interposed himself. Charges brought against her were soon dropped, but the story, much overblown, traveled abroad and added lurid color to her popular image. Thereafter, Lola and whips were as inseparable as Salome and swords. The horsewhip became one of her emblematic accessories, along with the cigarettes she rolled and smoked in public, her mastiff and the pistols she wielded expertly.

Not that this image belied her true nature. Playing the cruel divinity suited her quite well, or so King Ludwig I of Bavaria would certainly have argued in the course of their famous liaison. That liaison began in 1846 during Oktoberfest. After losing to a duel the wealthy young French newspaper magnate who had made her his mistress, and scouting Europe's spas for a new protector, Lola fetched up at Munich. There an audience with Ludwig, who fancied everything Spanish, resulted in an invitation to perform at the Court Theater. Soon enough it also resulted in a portrait of her being commissioned for Ludwig's "Gallery of Beauties." From first glance, the 60-year-old king was smitten by the 26-year-old Lola.

Since his accession two decades earlier, Ludwig had been a diligent autocrat, habitually rising at dawn to concentrate on the minutiae of statecraft. Frugality had always been his watchword, and the tightfistedness with which he ruled a conservative, rural nation was reinforced by his deafness. Pleas for more liberal government went unheard. To be sure, his philo-Iberianism, his Gallery of Beauties and his poetry bespoke a longing that the unvarnished mother of his eight children could not appease. But this romantic self had been successfully contained until Lola arrived. Then the whole fabric of Ludwig's life seemed to unravel.

Whatever his brilliant inamorata wanted she got straightaway. In a paroxysm of self-abasement the king spent millions building her a townhouse, buying her jewels, furnishing her wardrobe, even as she sported with younger men. Only once or twice between October 1846 and February 1848 did Ludwig enjoy her sexual favors. All the same, he conferred upon her the title of countess, and indeed worshiped her the more for keeping him permanently desirous.

On his desk lay an alabaster model of

Diversion

Go, I say to myself, tired of my notebooks and my reluctant pen,
go water the newly transplanted sorrel and dill,
spriggy yet in their new humus and larger clay pots;
water artemisia, salvia, centaurea
which are classical, perennial, and have promised to spread their nimbus
of violet and silver through our patchy backyard
for summers to come, from poor soil.
Then I'll return indoors to the words copied
on the yellow legal pad,

her words
which I cannot shape,
which sentence me:

"There are things I prefer
to forget—"
(what things?) "Just,

things—" "Darling, I can't
locate myself—" "Where
are *you*?"

and if she, in her compassion, forgets
or doesn't know, I will perennially remember,
how I erase these messages
I later transcribe: one punch
of one button on the answering machine—

and how, with cruel
helpfulness
I have asked:

"Don't you remember?"

restoring to her a garden of incident
which she cannot keep, water, or tend,
and which will die, soon, from her ministrations.

ROSANNA WARREN

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her foot. Ludwig's erotic fantasy of having that foot in his mouth was his subjects' political nightmare. Outraged not so much by the gifts he lavished on her as by the influence she exerted, they rioted in February 1848, forcing him to abdicate and driving her from Bavaria. A Lola rather the worse for wear but more famous than ever took up where she had left off in 1846.

Unable to extort money from Ludwig with the thinly veiled threat of publishing his love letters, she began to dance again. European audiences welcomed her back, impresarios beckoned, and in time the "Spanish" artiste, who expanded her repertoire to include Bavarian, Hungarian and Tyrolean dances, set her sights on bountiful America. Sailing west, ever farther away from her past, Lola arrived at New York harbor on December 5, 1851, for a heavily booked tour.

Of that tour, which enlivened the winter season in Boston, New York and Philadelphia, let us say only that it gave her the opportunity to misteach her credulous public. Between dance appearances she acted the titular role in *Lola Montez in Bavaria*, a five-act play written more or less at her dictation by a hack dramatist. Elevating her self-invention to the level of historical revisionism, it presented her as a liberal heroine hounded by Jesuits, who had sought to help old Ludwig free Bavaria from political reaction and Catholic obscurantism. This was a Lola whom Americans could admire.

With no real home inside herself or out, she went on to chart a relentlessly eccentric course, dancing less and less, acting more and more. There were tours of California and Australia; there were a failed marriage and a tragic love affair; there were skirmishes at every turn; there was the briefly lived dream of settling in a mining town called Grass Valley, beneath the Sierra Nevada range. In 1857 this remarkable woman, full of experience and increasingly imbued with a yearning for Christian faith and a sense of social purpose, reinvented herself anew, as a lecturer.

Women's rights and physical well-being were her principal subjects, but portraying the elite sisterhood of figures like herself in a talk entitled "Strong-Minded Women" may be what she did most ardently. (Her romantic commitment to the singular, exceptional and wayward did not square with organized feminism: she derided feminists as "convention-women" and "scolds.") At any rate, she did it so well, on either side of the Atlantic, that one Boston newspaper dubbed her "the unquestioned queen of the lecture room."

The "unquestioned queen of the lecture room," who had once been the "uncrowned queen of Bavaria," would doubtless have earned another regal appellation had she lived. But time ran out on Lola Montez in January 1861. She died of pneumonia six months after suffering a stroke.

Regrettably, Seymour's biography can be faulted on several counts. More than a third of it is devoted to the two years that Lola spent in Bavaria and, after her flight from Munich, in Switzerland. Astonishing though those two years were, a greater respect for proportion or a greater effort at conciseness would have served the book well. More serious, however, is what Seymour does not tell us. His account of Lola's headlong plunge through life rarely pauses to make sense of her, to look for underlying motives, to explain why she committed such and such a folly or insisted upon such and such a reward. We are never helped to understand how she hangs together in a welter of contradictions. Seymour notes her quick temper, her flouting of authority, her destructiveness and self-destructiveness, her mendacity, her derring-do. But one misses informed speculation about the inner workings of her character.

The imposter and the narcissistic personality have inspired a large body of analytic literature, which could have been brought to bear upon this life. Consider, for example, Lola's infatuation with power. Having been rejected by parents who manipulated her from afar, did she herself not aspire vengefully to work everyone else's strings, to dazzle men and appropriate masculine privilege, to control the world around her as a femme fatale, famous yet hidden, or as an aristocratic hotspur? The born outsider would always require titles and cupbearers. In Munich, nothing satisfied her more than the adulation of the Alemannia, a student fraternity whose red-hatted members (reminiscent, perhaps, of scarlet-clad British soldiers) defended her against nationalistic *Burschenschaften*. Not only did she sexually initiate their chief officer, who then made himself her besotted courtier, but she became one of the boys, often inviting them over to smoke and carouse with her all night long.

Still, one doesn't easily lay this book down, and the scholarly care with which Seymour has investigated Lola's mystifications enhances its interest.

FREDERICK BROWN is the author, most recently, of *Zola: A Life* (Farrar, Straus & Giroux).

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The Immoralist

By Richard A. Posner

Ill-Gotten Gains: Evasion, Blackmail, Fraud, and Kindred Puzzles of the Law by Leo Katz

(University of Chicago Press, 293 pp., $29.95)

Leo Katz, a professor of criminal law at the University of Pennsylvania, attempts in this ambitious and well-written book of legal and moral theory to overthrow both utilitarianism and its cousin, the economic approach to law. Many have mounted similar challenges, with no more than partial success. Katz's success is also partial. What is notable about his book is its method and, what turns out to be the same thing, what he would put in the place of utilitarianism and economics: a frankly premodern system of casuistic law and morality. This may seem an unpromising approach. I do not find it convincing. But the book is redeemed by the verve, the ingenuity, the daring (the daring to seem immoral) and the erudition of its author. Katz lays bare an influential current in legal thinking, though less influential than he thinks; and it is a book genuinely accessible to the general reader. It should be required reading in the study of jurisprudence and deserves a place in the study of ethics, too.

The book is in three parts, divided into tiny chapterlets, forty-two in all. The first part takes up what Katz calls "avoision": a fusion of "avoidance" and "evasion" that denotes cases in which it is unclear whether a person's conduct should be considered lawful avoidance of the law's prohibitions or illegal evasion. Two actresses are vying for the same part. Mildred knows that Abigail has been unfaithful to her husband. If she threatens to tell the husband unless Abigail forgoes the audition, that would be blackmail, and a crime. Instead she tells Abigail that she is mailing a letter addressed to the husband that reveals Abigail's infidelity and that has been timed to arrive the morning of the audition. Knowing that Abigail will stay home to intercept the letter, Mildred will have achieved the same end as she would have done by committing blackmail, yet her conduct is not criminal.

Katz argues from this and many other examples of lawful avoision that the law is not consequentialist, because it often treats acts having the same consequence differently. He lays particular stress on the different legal treatment of acts and omissions to act. It is murder to drown a person, but it is no crime at all to let him drown by refusing, however gratuitously or maliciously, to throw him a lifeline. It is murder if you yank another person in front of you to serve as a human shield against someone who is trying to shoot you, and he dies, but it is no crime at all to duck behind the person even if by doing so you induce the gunman to aim in that person's direction, with fatal results. (I consider this Katz's most challenging example.) And the law frequently attaches different sanctions to the same injury depending on the injurer's state of mind, for Katz a nonconsequentialist consideration. But it is the distinction between act and omission that is fundamental to his analysis. Most avoision consists of trying to replace an act with an omission that will have the same consequences.

The second part of the book focuses on blackmail and argues that the fact that blackmail is criminal, even though it is a voluntary transaction between the blackmailer and the victim of blackmail, shows that the law rejects freedom of contract, the cornerstone of economics viewed normatively. The third part of Katz's book takes up the question of when praise is merited, and argues that the rules for praising are the mirror image of the rules for blaming. We blame the criminal more if his crime is deliberate, and we praise the discoverer of the crime more if the discovery was deliberate than if it was accidental. We lighten the sentence of the remorseful criminal, Katz argues, for the same reason that we accord less praise to the vain (conceited, self-congratulatory) inventor than to the modest one. The vain inventor has bestowed upon himself some fraction of the praise he deserves, thus drawing down the amount owed him by others. The remorseful criminal has bestowed upon himself some fraction of the punishment he owes, thus reducing the amount of public punishment necessary to impose upon him his full measure of deserved punishment.

Katz's method of proof is casuistic. It is reasoning from cases, mostly hypothetical rather than real. Some are fantastic, such as the case of the identical twins, one of whom robs a bank and the other of whom murders someone, and the court cannot tell which one committed which crime—and therefore, Katz argues, has to let both go. He often proceeds by describing a doubtful case and then a series of analogous cases ending in one in which we have a strong intuition of the correct result, and that case becomes the key to the correct result in the case with which he started.

The casuistic method has a long history in law and ethics. It goes back to Socrates, it has many adherents in contemporary philosophy, it undergirds the common law system of England and the United States, and it is the cornerstone of American legal instruction. Katz is a dazzling practitioner of it. Each chapterlet fairly dances with analogies and hypotheticals. But casuistry has another meaning besides reasoning from cases. Its other meaning is specious, sophistical reasoning, the drawing of phony distinctions, the use of the forms of logic to defend irrational results, literal-mindedness, deceit by half-truths.

Casuistry in this questionable sense, the casuistry that is often derided (often unfairly) as Jesuitic or Talmudic, is famously illustrated by the Catholic doctrine of equivocation, or "guiltlessly getting a falsehood [a]cross," as Katz puts it. An example (Katz is quoting Pascal) is swearing "that one has not done something, though one really has done it, by inwardly understanding that one did not do it on a certain day, or before one was born." Katz approves of equivocation, as he does of the other forms of "bad" casuistry. He is the complete casuist. The doctrine of equivocation illustrates the "right to mislead by silence," an aspect of the distinction between acts and omissions. The equivocator does not state explicit falsehoods; he just leaves out the things necessary to prevent the listener from misunderstanding the meaning of what he does say.

It is not only Katz's affection for "bad" casuistry, and his explicit endorsement (as a corollary to his rejection of freedom of contract) of the medieval doctrine of the "just price," and his approving statement that "the lawyer is the latter-day incarnation of the Jesuit or the Talmudist," that reveals a premodern cast of mind. When on occasion he turns from reasoning by analogy to giving reasons, the reasons tend to have the form

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but not the substance of logic and good sense, as when he asks rhetorically, concerning Mildred's avoidance or evasion of the crime of blackmail, "Why exactly should we disapprove of someone for doing something only because of the law?" The danger of asking a rhetorical question is that it may be answered: Mildred concocted her scheme not only to avoid being punished for blackmail but also and more fundamentally to prevent Abigail from competing with her for a job.

Katz gives the following example of the law's rejecting economic premises by refusing to give effect to people's preferences. If a woman about to be raped tells her assailant that she would rather die, and he kills her instead of raping her, he will be punished as a murderer. Yet she preferred murder to rape, hence would have thought his deed less heinous than rape, which is punished less severely than murder. But Katz misunderstands his example. All it really shows is that the victim considered rape even worse than murder, not that she thought the punishment for murder too severe.

A further symptom of Katz's premodern mentality is the implicit endorsement in the last part of the book of the medieval doctrine of correspondences, or taking analogies literally. The sun is to the planets as the king is to his subjects as the heart is to the body. ("The state of man,/ Like to a little kingdom," as Brutus put it in *Julius Caesar*.) Storms in nature correspond to man's stormy passions. And so on. In the third part of *Ill-Gotten Gains*, the rules for blaming are said to correspond to the rules for praising. We derive the criteria for praising scientific achievement by inverting the criteria for condemning criminal activities.

What unites the elements of the premodern approach to reasoning or inquiry (and also the postmodern approach, but that is a story for another day) is its effort to give rhetoric pride of place over science, and thus to reverse the trend of Western thinking since the eighteenth century. Proceeding analogically from hypothetical case (parable, vignette) to hypothetical case to real case rather than deductively from theory or inductively from facts, preferring words to things and mental states to physical consequences, making law turn on arbitrary, unexamined distinctions (such as act versus omission), reifying analogies: these are procedures remote from the mathematically or logically rigorous, and rigorously fact-tested, theorizing that is the scientific ideal.

And where does it all take Katz? To two conclusions. First, "a central feature of our legal and moral thinking [is] its nonutilitarian character." Law, and in particular the criminal law, from which most of his examples are drawn, is formalistic; formal elements, such as whether the defendant acted or omitted to act, dominate substantive considerations, such as the consequences of the act or the omission. Second, "the formalism of the law is merely a reflection of the formalism of morality." Thus both utilitarianism and the economic approach to law are refuted, both being concerned with substance rather than with form and with consequences (such as happiness and wealth) rather than intentions.

I disagree with all of this. Formalism is not the only alternative to utilitarianism, especially Katz's inadequate conception of utilitarianism. It is not possible to read off the principles of morality from the rules of criminal law. And those rules are not, in fact, formalistic.

Katz's idea of a utilitarian is someone who believes that if executing an innocent person would save two or more lives, we should do it. As soon as one asks, however, who would be entrusted by society (and how) with the responsibility for picking innocent people for execution, it becomes obvious that killing innocents for the greater good is not a formula for maximizing happiness. Rights and rules, limiting official discretion, are essential elements of an intelligently designed utilitarian polity. By dichotomizing continuous phenomena, rules produce difficult borderline cases, some of which may have to be decided arbitrarily, producing many of the formalisms prized by Katz. (If you cut a line, the cut will separate two indistinguishable points.) Those formalisms, being inherent in a system of rules, are consistent with a commitment to utilitarianism.

For Katz, the goofy "act utilitarian" who wishes to conduct all public business without using rules is made to stand for all nonformalist moral theorists. The choices are not so limited. You do not have to be an act utilitarian to object to the doctrine of equivocation on the ground that it divorces ethics from consequences. The Jesuits needed a doctrine that would enable them to lie their way out of heresy examinations by their religious enemies without committing a mortal sin. A consequentialist would say that telling the truth, in the circumstances that confronted the Jesuits, would have had worse consequences than lying about their religious beliefs, and so lying was the ethically correct course. The Jesuits could not take this approach because they did not believe that it is proper to trade off the good of truth-telling against the good of saving Catholic lives. Neither principle would yield. The only way out was to redefine lying. This is pretty desperate.

James Fitzjames Stephen, the great nineteenth-century English scholar of criminal law, and no softy, called the criminal justice system "the roughest engine which society can use for any purpose." Cruel, costly, frightening and dangerous, it is not used by civilized societies to enforce the dictates of morality, and its commands cannot be equated to those dictates. It is used to prevent serious temporal harms in cases in which this can be done within a tolerable margin of error and no adequate alternative means of

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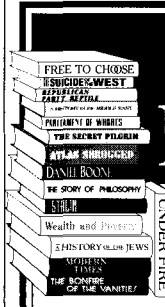
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prevention are available. What Mildred did was commit the tort of intentionally interfering with advantageous business relations. Abigail could have sued Mildred and obtained a judgment for punitive as well as compensatory damages. Since the line between fair and unfair competition is hazy, we use the gentler sanctions of tort law to punish the unfair, where incidentally the victim bears the expense of prosecution rather than requiring a commitment of public resources.

Katz's hypothetical case of drowning versus letting drown brings to mind the gravediggers' scene in *Hamlet*. One of the gravediggers argues jokingly (there is a lot of joking at lawyers' expense in Shakespeare) that to be allowed to be buried in hallowed ground Ophelia must not have drowned herself but must instead have merely allowed the water to drown her. Katz would consider this an adequate explanation for not punishing the person who refuses to throw a lifeline to a drowning man. I would not. The unSamaritan is acting (or failing to act) in a profoundly immoral way. True he is not punished, but that is owed to a variety of practical reasons that go unmentioned by Katz: such cases are rare; amateur rescuers often make things worse; punishing for not rescuing would make people steer clear of situations in which they might be in a position to rescue someone; it is hard to identify cases in which the rescuer would not have been imperiling himself. Good or bad, these reasons for not criminalizing failures to rescue do not touch the morality of the conduct. But Katz must ignore these reasons in order to maintain his claim that utilitarians and other nonformalists care only about consequences and not about the path to them, so that drowning and letting drown are indistinguishable. The reasons I have cited for treating the two cases differently show that the two cases actually involve different consequences. The drawback to arguing from hypothetical cases is that it decontextualizes legal and moral issues, making law and morality seem weirder and more puzzling than they really are.

"A steals your wallet. B (a perfect stranger) lets you drown in a lake when he could easily throw you a life vest." Which is worse? The former, says Katz. A's act is criminal, B's act is not. Lawyers' tricks, he acknowledges, "will increase the number of outrages of the B-variety," but that's okay; the B-variety is a "far more benign kind of outrageousness." No, it isn't, although the fact that, for the reasons I have mentioned, the greater enormity must go unpunished is no reason not to punish the lesser one, the theft.

Not only does the criminal law leave much evil conduct unpunished for reasons of a practical character not permitted by the formalistic approach; it punishes much conduct that many of us do not consider evil, such as fornication, or sodomy between consenting adults. (Katz does not discuss such laws.) A search through the federal criminal code reveals many absurdities, such as the criminalizing of the sale of merchandise stamped with the legend, "Give a Hoot, Don't Pollute," without the permission of the Department of Agriculture. The Pharisees were wrong. The positive law is not the moral law. We can call Shakespeare as our witness again. Claudius, confessing to God the murder of his brother, observes that "in the corrupted currents of this world/ Offence's gilded hand may shove by justice,/but 'tis not so above;/ There is no shuffling, there the action lies/ In his true nature."

The criminal law is not so committed to formalism, to casuistic logic, as Katz believes. He argues that if we tried to punish those ingenious schemes of tax avoidance that make lawyers rich, on the theory that the schemes take away from the government money that rightfully belongs to it, this would commit us to taxing at his former income the neurosurgeon who by abandoning his profession to become a beach bum could be said to have "cheated" the government, which the Internal Revenue Code made his "partner" in the practice of neurosurgery. In fact, by taxing real estate at its market value, the tax code forces some people to give up their homes and even livelihood, as when farmland is taxed at its value for residential development. Some tax systems tax the "imputed" rent of a homeowner—the rent he would receive if he rented his home to someone else rather than (in effect) to himself. The reasons for not similarly taxing hypothetical wages include the practical difficulty of determining a person's maximum income, the fact that most people try to maximize their incomes, and the fact that nonremunerative jobs, out of which this sort of taxation would drive people in droves, may confer large social benefits.

Yet there *is* a "substance over form" doctrine in tax law, and it catches some of the tax avoiders whose tricks delight Katz. A stockbroker who resorts to equivocation to sell stocks is as guilty of fraud as the broker who lies outright. Katz notes that if you burn down a building for the insurance, knowing that someone in it will be killed, and he is killed, you are guilty of murder, but if by some miracle he escapes you are not guilty of attempted murder, unless your aim was not (or not only) the insurance but the death of the person. True—but then how to explain the fact that if a person does die in the course of arson, you are guilty of murder even if you had no idea that there was anyone in the house? That is a case where consequence trumps (lack of) intention.

Wanting to kill your enemy, you go armed to his neighborhood, hoping he'll attack you so that you can kill him in self-defense. Fine, says Katz: it's just like buying a painting in order to destroy it, as opposed to destroying it without buying it. In fact the law rejects the defense of self-defense if the defendant went looking for trouble, as in Katz's example. And the case of the painting actually illustrates a violation of the Visual Artists Rights Act of 1990. The morality of the law is more subtle than Katz will allow.

He thinks that willful ignorance, as when a person who fears that he is buying stolen goods instructs the seller not to tell him their provenance, will get you a lighter sentence—as it should, he thinks, because it illustrates the casuistic principle that Jesuits call "directing the attention." Wrong again. Criminal law equates willful ignorance with knowledge. Nor is the law being legalistic or formalistic when it bases distinctions on the defendant's state of mind. Dead is dead, whether you're killed by a careless driver or a driver who is trying to kill you. But the latter is more dangerous, as well as more likely to be deterred by threat of criminal punishment. For, as Katz himself points out, it is hardly feasible to live a life without ever letting one's guard down and endangering another by careless acts (or omissions!). Where there is parity of intention we tend to give too much weight—not, as Katz believes, too little weight—to consequences. It may be pure fortuity that the same careless act causes death in one case and no injury in another; yet the former act will be punished, and the latter not. The difference in treatment, like the felony-murder rule that I mentioned earlier, seems questionably based on sheer "moral luck," the subject of a philosophical literature by Bernard Williams and others that Katz does not mention.

Katz is fascinated by the law's allowing a dying patient to refuse treatment but refusing to let the patient require or permit his doctor to kill him. The omission is permitted, the act forbidden, the consequence—death—the same. Right or wrong, however, the distinction is not some formalist reflex. Opponents of "assisted suicide" worry about adding

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"killer" to the physician's job description, about physicians employed by cost-cutting HMOs hurrying patients to an earlier death, about clinic physicians hurrying their indigent patients to death, about impatient relatives badgering the patient to go quietly. These dangers are not wholly absent in refusal-of-treatment situations, but they are offset there by the sheer bizarreness of forcing a competent patient to submit to what are often futile, painful and humiliating end-of-life treatments. The debate has nothing to do with scholastic distinctions.

Katz is puzzled why the threat, "Pay me $10,000, or I will no longer be your friend," is not considered blackmail. The reason is that it is not a threat. It is an offer to transact. If I offer to sell you a two-carat diamond for $10,000, this is the equivalent of my saying to you, "Pay me $10,000, or I will not sell you the diamond." The blackmailer seeks payment for *not* transacting (for example, for not communicating with Abigail's husband).

Katz says that if wages were based on market principles rather than, as he believes they are, on principles derived from the rules of praising (which are in turn derived from the formalist morality that he thinks underlies the criminal law), people who hold rewarding jobs would be paid less than other people (rather than, as is generally the case, more) because they receive psychic income on top of their money wages. Psychic income is indeed a factor in determining money wages, but it is not the only factor. Economists since Adam Smith have noted the existence of "compensating differentials"—higher than average pay for especially dirty and dangerous work, and sometimes lower than average pay for especially light and leisured work, such as teaching. The theory is not contradicted by the fact that chief executive officers of large corporations are paid more than coal miners. The CEOs' skills are scarcer and more highly valued by the market, resulting in a wage premium that swamps any compensating differential.

Katz says that you can escape from tort liability, even if you are a careless person (say, an airline that employs inexperienced pilots) who engages in dangerous activities, by buying a robot (an automatic pilot, say) to conduct those activities for you. Even if the robot is just as "careless" as you—just as likely to malfunction from time to time and to injure people—you're off the liability hook provided that the robot is state-of-the-art. Not quite. Whenever an accident results from the malfunction, the manufacturer of the robot will be liable to the person injured ("products liability"). The price of the robot will reflect this expected liability cost, so you will pay indirectly for the carelessness that you thought you had shifted from yourself to the robot.

Katz thinks that the criminalization of blackmail should puzzle the economist, because a voluntary transaction is being punished. But as with more common forms of extortion (such as "your money or your life"), this is a class of voluntary transactions that most people would rather do without, so preferences are served rather than thwarted by banning it. The real puzzle of blackmail, which Katz does not discuss, is that in its most common form, in which the blackmailer threatens to report the victim's criminal activities to the police, blackmail operates as a form of private law enforcement. Blackmailers are private police, imposing private fines on persons likely to elude the clutches of the real police.

And why, finally, is it a crime to induce a woman's consent to sexual intercourse by impersonating her husband, but not by misrepresenting one's income or social status? Because the law is in love with fine distinctions? Not at all. Rather, because the line must be drawn somewhere. The woman in the first case does not want to have intercourse with this man and in the second case she does, and people are more offended by impersonation than by the misrepresentation of credentials. Consistent with my suggestion that sexual offenses are graded by their harmfulness, it is a crime to conceal from one's sexual partner that one has a sexually transmissible disease though it is not a crime to conceal that one does not have a degree from Harvard. And notice that here, contrary to the first principle of Katzian law and morality, it is the omission (to disclose the disease) that is punished, but not the act (the lie about the degree).

I could go on, but I hope I have already said enough to inoculate you against the seductions of this book; enough to show that neither law nor morals can be founded on casuistic reasoning; enough to show that Katz has given up too soon on the search for utilitarian, or pragmatic, or even economic explanations for legal doctrine. And if the law is more wooden than I think—more vulnerable to the games of rearrangement and redescription that Katz plays so brilliantly—this would be a deficiency of the law and a spur to reform, rather than a clue to the nature of morality.

RICHARD A. POSNER's new book, *Law and Legal Theory in England and America*, will be published by Oxford University Press in the fall.

TRB *continued from page 6*

harder. Dalzell points approvingly to the only federal Internet obscenity conviction, *United States* v. *Thomas*, affirmed by an appellate court last year. The images in question were uploaded by Robert and Carleen Thomas, the mom-and-pop proprietors of the Amateur Action Bulletin Board in Milpitas, California, and were downloaded in the heart of the Biblebelt in Memphis, Tennessee. The Thomases claimed they were entrapped by a governmental postal inspector, who intentionally chose to download the pictures in Memphis to take advantage of Tennessee's conservative community standards. But the *Thomas* case confirms Dalzell's most powerful insight: that in an age when cyberspace has broken down physical boundaries, it makes little sense to allow the morals of a geographic community to dictate what is acceptable for a virtual community of consenting adults.

Dalzell's Maginot line between indecency and obscenity is being threatened by cultural changes, too. In 1973, when the Supreme Court declared that obscenity should be judged by local rather than national community standards, there was an informal consensus that hard-core material could be banned, while soft-core material had to be protected. (Justice Potter Stewart was said to be guided by a droop test.) A decade later, however, this consensus broke down entirely when a federal court held that "detailed portrayals of genitalia, sexual intercourse, fellatio, and masturbation" are not obscene "in light of community standards prevailing in New York City."

Exactly a century ago, in upholding an obscenity conviction called *Rosen* v. *U.S.* (no relation), Justice John Harlan announced that "every user of the mail must take notice of what is meant by decency, purity, and chastity in social life and what is deemed obscene, lewd, and lascivious." (The defendant, Lew Rosen, mailed nude pictures tantalizingly covered with "lamp black" that readers could rub off with a piece of bread.) Today, by contrast, it's absurd to expect each of the millions of speakers on the Internet to try to predict the moral sensibilities of the thousands of geographic communities that their words and pictures may enter without their knowledge or consent. The Philadelphia judges deserve credit for enumerating the ways that the Emersonian individualism of cyberspace threatens the integrity of geographic communities. But they were too quick to deny the radical implication of their own insight: traditional definitions of obscenity will have to be reconsidered as well.

JEFFREY ROSEN

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WASHINGTON DIARIST

All is well

AS A WASHINGTON JOURNALIST, my professional duty is to advise you that your federal government, and, by extension, your country, is in a state of crisis. Whitewater is a cancer on the presidency. The deficit is a menace to our children. Alaska and Hawaii lie exposed to a North Korean missile barrage. Medicare teeters on the brink of collapse. This campaign year, however, I have been finding it harder and harder to work myself into a lather about any of the above. Have I become complacent with age? Is it sheer boredom, now that the Republican Revolution has fizzled into just another inconclusive budget battle? Maybe. But I have another explanation, radical in its simplicity, heretical in its banality: there's simply no denying that, in America in 1996, all is well.

BEFORE I WRITE ANOTHER WORD, let me hereby stipulate that I don't mean this literally. The United States remains beset with terribly serious problems. Some—like race relations—have bedeviled us forever and probably always will. Others—like the pending entitlements crunch—will no doubt clobber us in the future. These woes, plus lingering public unease about the decline in "values," probably account for the fact that a majority still tell pollsters the country is "on the wrong track."

BUT HEAR ME OUT. THE "WRONG track" majority is considerably smaller than it was a few years ago. If you take a snapshot of basic American social and economic indicators, it's rather a pretty picture. "SURVEY BY FED SAYS ECONOMY IS STRONG, WITH LITTLE INFLATION," read a recent *New York Times* headline (below the fold on page D1). For all the recent hysteria about corporate downsizing, the unemployment rate is a mere 5.4 percent, six-tenths of a percentage point below what economists once assumed was the "natural" level of joblessness. In St. Louis, the labor market is so tight that fast-food merchants are paying well above the minimum wage, even offering "signing bonuses" of $250. The stock market, of which more Americans own a small mutual-fund piece than ever before, is above 5700 and rising gradually. Mortgages and car loans remain fairly affordable. The federal deficit will weigh in at a mere $120 billion this year. Even the number of people on welfare is dropping, as is the crime rate.

THINGS LOOK EVEN BETTER WHEN you compare the U.S. to other industrial nations. Economic forecasts suggest that U.S. growth will continue to outpace Japan's for the rest of the century. Germany, once held up by Clintonites as a model of industry-government collaboration, is limping along with nearly 11 percent unemployment. Not long ago I sat in on a Capitol Hill lecture by one of Germany's senior economic policymakers. When the speaker began his remarks by bemoaning his country's inability to duplicate America's economic *wunder*, a murmur of disorientation rippled through the audience of mostly Democratic staffers. What the German appreciated, but his audience may not have, is that American society possesses enormous capacities for self-renewal and self-correction. Precisely because we make such a fuss about our various crises, we also try, in myriad unplanned, locally oriented ways, to fix them. Europeans tend to stand around waiting for the central government to come up with a solution. We didn't get a Clinton health care plan, but health care costs have been somewhat tamed. The health care "crisis" scared doctors, insurers, businesses and communities into figuring out new ways to cope with the mess. The Democrats' recent exertions to raise the minimum wage were both defensible in policy terms and politically popular—but also slightly superfluous when burger-flippers in St. Louis can virtually name their price.

BLINDED BY ITS PERPETUAL CRISIS mentality, and desperate to derive some sexy story from a pretty quiet campaign, the press serves up maximally complicated explanations for Bill Clinton's huge lead. Bob Dole can't articulate a message. He's too old. The public wants a Democratic bulwark against Republican budget cuts. Yes, yes. But if unemployment were skyrocketing or the troops in Bosnia were dying by the dozen, Dole would be able to articulate a message. Of course, the actual causal connection between anything Clinton has done and the country's general state of okayness is highly debatable. He probably deserves some credit for the 1993 budget deal that helped set the deficit on a downward path, and for putting a few more cops on the street. For the most part, however, the Federal Reserve Board shapes the economy. Presidential and congressional domestic policymaking has been deadlocked since the 1994 Republican sweep. As for crime and welfare, the upturn in the economy and state-level reforms—enacted by both Republicans and Democrats—had more to do with making things better than anything Clinton did.

THOUGH CLINTON IS AN ALARMIST by nature, forever bemoaning social ills that, as he puts it, are "killing us," he now reaps the political benefits from having good things happen on his watch. Fair enough—as surely as Clinton is getting undeserved credit now, he would be getting undeserved blame if all weren't well. The last three incumbent presidents to be voted out, Gerald Ford, Jimmy Carter and George Bush, lost because they found themselves running for another term at times of rising unemployment and/or inflation, though it was difficult to point to anything they had personally done to bring on this misfortune. When all is well, however, folks stick with the devil they know.

AND WHEN ALL IS WELL, AMERIcans seem to focus on the big picture, not scandal. William Safire of the *Times*, for one, is annoyed that a blissed-out populace doesn't share his Whitewater obsession: "American voters are apathetic," he writes, "and our President feels no need to sweep out the Augean stable, heaped high with high crime, that his office of White House counsel has become." Curses! Not to worry, though, says Safire, "as the people awaken, the endgame begins." Of all pundits, Safire should be the last to make this argument. He used to work for Richard Nixon, who, despite an already thick cloud of Watergate scandal, was never seriously challenged by George McGovern. The U.S. economy in 1972 was expanding, and the boys were trickling home from Vietnam. As of November, 1972, all was well. Only after Nixon was inaugurated did Americans come to realize that it actually wasn't. Voters are for Clinton at the moment because, looking around, they don't see any reason to be against him. The president can only hope that this is where the parallels between his political trajectory and that of Bill Safire's old boss will end.

CHARLES LANE

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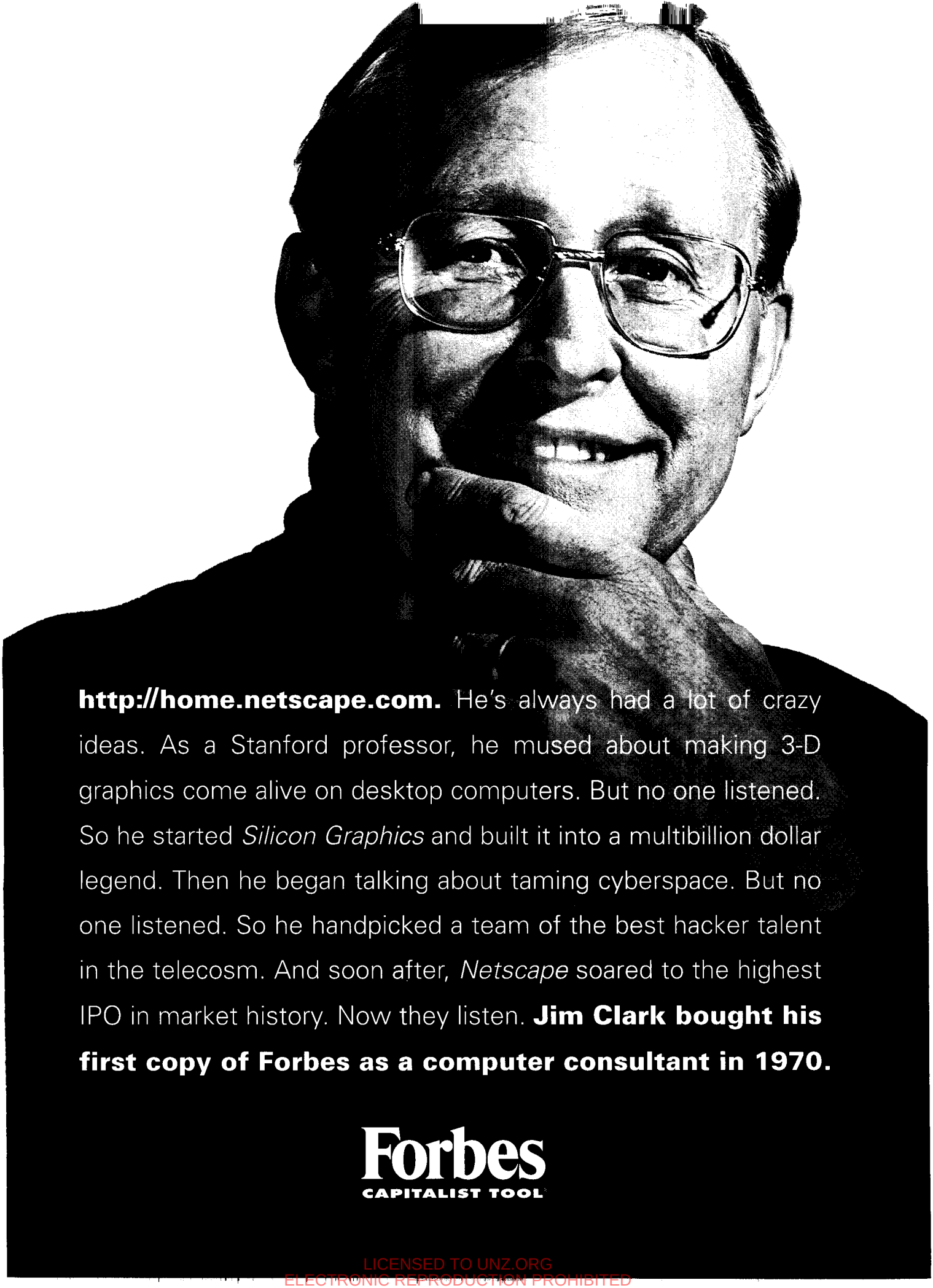

http://home.netscape.com. He's always had a lot of crazy ideas. As a Stanford professor, he mused about making 3-D graphics come alive on desktop computers. But no one listened. So he started *Silicon Graphics* and built it into a multibillion dollar legend. Then he began talking about taming cyberspace. But no one listened. So he handpicked a team of the best hacker talent in the telecosm. And soon after, *Netscape* soared to the highest IPO in market history. Now they listen. **Jim Clark bought his first copy of Forbes as a computer consultant in 1970.**

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